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THE

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SEPTEMBER, 1828.

No. XCV.

Art. I.—*History of the Life and Voyages of Christopher Columbus.* By Washington Irving. In 4 vols. 8vo. Londo[n] 1828.

This, on the whole, is an excellent book; and we venture t[o] anticipate that it will be an enduring one. Neither do w[e] hazard this prediction lightly, or without a full consciousnes[s] of all that it implies. We are perfectly aware that there ar[e] but few modern works that are likely to verify it; and that i[t] probably could not be extended with safety to so many as one [in] a hundred even of those which we praise. For we mean, not mere[ly] that the book will be familiarly known and referred to som[e] twenty or thirty years hence, and will pass in solid binding int[o] every considerable collection; but that it will supersede all former works on the same subject, and never be itself supersede[d]. The first stage of triumph, indeed, over past or existing competitors, may often be predicted securely of works of no very extraordinary merit, which, treating of a progressive science merely embody, with some small additions, a judicious digest of all that was formerly known; and are for the time the best works on the subject, merely because they are the last. But the second stage of literary beatitude, in which an author not only eclipses all existing rivals, but obtains an immunity from the effects of all future competition, certainly is not to be so cheaply won; and can seldom, indeed, be secured to any one, unless the intrinsic merit of his production is assisted by the concurrence of some such circumstances as we think now hold out the promise of this felicity to the biographer of Columbus.

Though the event to which his work relates is one which can never sink into insignificance or oblivion, but, on the con-

…te more interest with every succeeding …ery end of the world, yet its importance … long enough apparent to have attracted the …ention to every thing connected with its details; …we think we may safely say, that all the documents which …te to it have now been carefully examined, and all the chan…els explored through which any authentic information was …kely to be derived. In addition to the very copious, but …ambling and somewhat garrulous and extravagant accounts …hich were published soon after the discovery, and have since …een methodised and arranged, Don F. M. Navarette, a Spa…sh gentleman of great learning and industry, and secretary to …e Royal Academy of History at Madrid, has lately given to …e world a very extensive collection of papers, relating to the …istory and voyages of Columbus; a very considerable portion of which appears not to have been known to any of those who …d formerly written on the subject. Mr Irving's first design …as merely to publish a translation of this collection, with occa…onal remarks; but having, during his residence at Madrid, had …ccess, by the kindness of the Duke of Veraguas, the descendant …f the great admiral, to the archives of his family, and to various …ther documents, still remaining in manuscript, which had …scaped the research even of Navarette, he fortunately turned …is thoughts to the compilation of the more comprehensive and …iginal work now before us—in which, by those great helps, … has been enabled, not only to supply many defects, but to cor…ect many errors, and reconcile some apparent contradictions in …he earlier accounts.

It was evidently very desirable that such a work should at …ngth be completed; and we think it peculiarly fortunate that …e means of completing it should have fallen into such hands …s Mr Irving's. The materials, it was obvious, were only to be …ound in Spain, and were not perhaps very likely to be intrust…ed without reserve to a stranger; while there was reason to fear that a Spaniard might not have courage to speak of the errors and crimes of his countrymen in the tone which the truth of history might require, or might not think it safe, even yet, to expose the impolicy, or canvass the pretensions, of the government. By a happy concurrence of circumstances, an elegant writer, altogether unconnected either with Spain or her rivals and enemies, and known all over the civilized world as a man of intelligence and principle, of sound judgment, and a calm and indulgent temper, repaired to Madrid at a time when the publication of Navarette had turned the public attention, in an extraordinary degree, to the memorable era of Columbus; and, by the

force of his literary and personal characte... disclosure of every thing that bore upon his ... made, to native or foreigner,—at the same tim... means of discussing personally, with the best informed ... duals of the nation, all the points on which the written ... ments might seem to leave room for doubt or explanation.

Of these rare advantages Mr Irving has availed himself, ... think, with singular judgment and ability. He has written ... history of the greatest event in the annals of mankind, with ... fulness and the feeling it deserved; and has presented us wi... flowing and continuous narrative of the events he had to reco... far more luminous and comprehensive than any which previo... ly existed, and yet much less diffuse and discursive than ... earlier accounts, from which it is mainly derived; while, wi... out sacrificing in any degree the intense interest of personal a... venture and individual sympathy, he has brought the lights o... more cultivated age to bear on the obscure places of the st... and touched skilfully on the errors and prejudices of the time... at once to enliven his picture by their singularity, and to i... struct us by their explanation or apology. Above all, he h... composed the whole work in a temper that is beyond all prai... It breathes throughout a genuine spirit of humanity; and, e... bellished as it is with beautiful descriptions and wonderful tal... its principal attraction in our eyes consists in its soft-hearte... sympathy with suffering, its fearless reprobation of injustice a... oppression, and the magnanimous candour of its judgments, ev... on the delinquent.

But though we think all this of Mr Irving's work, we su... pect it may not be altogether unnecessary to caution our mo... sensitive and sanguine readers against giving way to cert... feelings of disappointment, which it is not impossible they m... encounter at the outset of their task; and to which two o... three very innocent causes are likely enough to expose the... In the first place, many great admirers of Mr Irving's form... works will probably miss the brilliant, highly finished, and ryth... mical style, which attracted them so much in those performances and may find the less artificial and elaborate diction of this history comparatively weak and careless. In this judgment, however, we can by no means agree. Mr Irving's former style, though unquestionably very elegant and harmonious, always struck us as somewhat too laboured and exquisite—and, at all events, but ill fitted for an extensive work, where the interest turned too much on the weight of the matter, to be safely divided with the mere polish of the diction, or the balance of the periods. He has done well, therefore, we think, to discard it on this occa-

...ied, careless, and natural style, which dis-
...ies before us—a style not only without sen-
...sion, or antithetical prettiness, but even in some
...oose and unequal—flowing easily on, with something of
...ness and clearness of Herodotus or Boccaccio—sometimes
...guid, and often inexact, but furnishing in its very freshness
...d variety, the very best mirror, perhaps, in which the romantic
...ventures, the sweet descriptions, or the soft humanities, with
...ich the author had to deal, could have been displayed.

...nother, and perhaps a more general source of disappoint-
...ent to impatient readers, is likely to be found in the extent and
...nuteness of the prefatory details, with which Mr Irving has
...wded the foreground of his picture, and detained us, apparent-
... without necessity, from its principal features. The genealogy
...nd education of Columbus—his early love of adventure—his
...ng and vain solicitations at the different European courts—the
...rigues and jealousies by which he was baffled—the prejudices
...ainst which he had to contend, and the lofty spirit and doubt-
...l logic by which they were opposed,—are all given with a ful-
...ss for which, however instructive it may be, the reader, who
...ows already what it is to end in, feels any thing but grateful.
...is mind, from the very title-page, is among the billows of the
...tlantic and the islands of the Caribs; and he does not submit
...without impatience to be informed of all the energy that was to
...e exerted, and all the obstacles to be overcome, before he can
...et there. It is only after we have perused the whole work that
...e perceive the fitness of the introductory chapters; and then,
...hen the whole grand series of sufferings and exploits has been
...nfolded, and the greatness of the event, and of the character
...th which it is inseparably blended, have been impressed on our
...inds, we feel how necessary it was to tell, and how grateful it
...s to know, all that can now be known of the causes by which
...oth were prepared; and instead of murmuring at the length of
...hese precious details, feel nothing but regret that time should
have so grievously abridged them.

The last disappointment, for which the reader should be prepared, will probably fall upon those who expect much new information as to the first great voyage of discovery, or suppose that the chief interest of the work must be exhausted by its completion. That portion of the story of Columbus has always, from obvious causes, been given with more amplitude and fidelity than any other; and Mr Irving, accordingly, has been able to add but few additional traits of any considerable importance. But it is not there, we think, that the great interest or the true character of the work is to be found. The mere geographical discovery,

sublime as it undoubtedly is, is far less in
than the moral emotions to which it open
whole history of the settlement of Hispaniola,
of its gentle people—the daring progress of the gr
through unheard-of forms of peril, and the overwhelmi
asters that seem at last to weigh him down, constitute th
business of the piece, and are what truly bring out, not only
character of the man, but that of the events with which l
memory is identified. It is here, too, that both the power a
the beauty of the author's style chiefly display themselves—
his account of the innocence and gentleness of the simple ra
that were then first introduced to their elder brethren of Europ
and his glowing pictures of the lovely land, which ministered
their primitive luxury—or in his many sketches of the grea
commander himself, now towering in paternal majesty in th
midst of his newly-found children—now invested with the dar
gorgeousness of deep and superstitious devotion, and burni
thirst of fame—or, still more sublime, in his silent struggles w
malevolence and misfortune, and his steadfast reliance on
justice of posterity.

The work before us embodies all these, and many oth
touching representations; and in the vivacity of its colourin
and the novelty of its scene, possesses all the interest of a nov
of invention, with the startling and thrilling assurance of
actual truth and exactness—a sentiment which enhances an
every moment presses home to our hearts the deep pity and r
sentment inspired by the sufferings of the confiding beings
introduces to our knowledge,—mingled with a feeling of som
thing like envy and delighted wonder, at the story of the
child-like innocence, and humble apparatus of enjoyment. N
savages certainly ever were so engaging and loveable as the
savages. Affectionate, sociable, and without cunning, sullenness,
inconstancy, or any of the savage vices, but an aversion from
toil, which their happy climate at once inspired and render
innoxious, they seem to have passed their days in a blissful igno-
rance of all that human intellect has contrived for human
misery, and almost to have enjoyed an exemption from th
doom that followed man's first unhallowed appetite for know-
ledge of good and evil. It is appalling to think with what tre-
mendous rapidity the whole of these happy races were swept
away! How soon, after the feet of civilized Christians had
touched their shores, those shores were desolate, or filled only
with mourning! How soon, how frightfully soon, the swarming
myriads of idle and light-hearted creatures, who came trooping
from their fragrant woods to receive them with smiles of wel-

...worship, and whose songs and shoutings ... sweetly over their fresh and sunny bays, ... the hands of those fatal visitants, into all the ...spair!—how soon released from them by a bloody ...ination! It humbles and almost crushes the heart, even ...s distance of time, to think of such a catastrophe, brought ...ut by such instruments. The learned, the educated, the re...ed, the champions of chivalry, the messengers of the gospel ... peace, come to the land of the ignorant, the savage, the ...then. They find them docile in their ignorance, submissive in ...ir rudeness, and grateful and affectionate in their darkness; ...d the result of the mission is mutual corruption, misery, desola...on! The experience or remorse of four centuries has not yet ...een able to expiate the crime, or to reverse the spell. Those ...ice smiling and swarming shores are still silent and mournful; ...r resound only to the groans of the slave and the lash of the ...ve-driver—or to the strange industry of another race, dragged ... a yet deeper guilt from a distant land, and now calmly esta...shing themselves on the graves of their oppressors.

We do not propose to give any thing like an abstract of a ...ry, the abstract of which is already familiar to every one; ...ile the details, like most other details, would lose half their ...terest, and all their character, by being disjoined from the ...rrative on which they depend. We shall content ourselves, ...herefore, by running over some of the particulars that are less ...nerally known, and exhibiting a few specimens of the author's ...anner of writing and thinking.

Mr Irving has settled, we think satisfactorily, that Columbus ...as born in Genoa, about the year 1435. It was fitting that the ...misphere of republics should have been discovered by a re...blican. His proper name was Colombo, though he is chiefly known among his contemporaries by the Spanish synonyme of Co...lon. He was well educated, but passed his youth chiefly at sea, ...d had his full share of the hardships and hazards incident to ...hat vocation. From the travels of Marco Polo he seems first to have imbibed his taste for geographical discovery, and to have de...ived his grand idea of reaching the eastern shores of India by sailing straight to the west. The spirit of maritime enterprise was chiefly fostered in that age by the magnanimous patronage of Prince Henry of Portugal; and it was to that court, accordingly, that Columbus first offered his services in the year 1470. We will not withhold from our readers the following brief but graphic sketch of his character and appearance at that period:

'He was at that time in the full vigour of manhood, and of an engaging presence. Minute descriptions are given of his person by his

son Fernando, by Las Casas, and others of . cording to these accounts, he was tall, well-fo.. an elevated and dignified demeanour. His visage v full nor meagre ; his complexion fair and freckled an.. his nose aquiline ; his cheek-bones were rather high, .. grey, and apt to enkindle ; his whole countenance had an air thority. His hair, in his youthful days, was of a light colour ; bu. and trouble, according to Las Casas, soon turned it grey, and at thi. years of age it was quite white. He was moderate and simple in d. and apparel, eloquent in discourse, engaging and affable with str. gers, and of an amiableness and suavity in domestic life, that stron attached his household to his person. His temper was naturally i table ; but he subdued it by the magnanimity of his spirit, comport. himself with a courteous and gentle gravity, and never indulging any intemperance of language. Throughout his life he was noted fo a strict attention to the offices of religion, observing rigorously th fasts and ceremonies of the church ; nor did his piety consist in me forms, but partook of that lofty and solemn enthusiasm with which h. whole character was strongly tinctured.'

For eighteen long years did the proud and ardent spirit of C lumbus urge his heroic suit at the courts of most of the Eu pean monarchs ; and it was not till after encountering in eve form the discouragements of withering poverty, insulting negle and taunting ridicule, that, in his fifty-sixth year, he at last pr vailed with Ferdinand and Isabella, to supply him with th little ships, to achieve for them the dominion of a world ! Mr I. ving very strikingly remarks,

'After the great difficulties made by various courts in furnish this expedition, it is surprising how inconsiderable an armament . required. It is evident that Columbus had reduced his requisitions t the narrowest limits, lest any great expense should cause impedime Three small vessels were apparently all that he had requested. T of them were light barques, called caravels, not superior to river a. coasting craft of more modern days. Representations of this class of vessels exist in old prints and paintings. They are delineated as open, and without deck in the centre, but built up high at the prow and stern, with forecastles and cabins for the accommodation of the crew. Peter Martyr, the learned contemporary of Columbus, says that only one of the three vessels was decked. The smallness of the vessels was considered an advantage by Columbus, in a voyage of discovery, enabling him to run close to the shores, and to enter shallow rivers and harbours. In his third voyage, when coasting the gulf of Paria, he complained of the size of his ship, being nearly a hundred tons burden. But that such long and perilous expeditions into unknown seas, should be undertaken in vessels without decks, and that they should live through the violent tempests by which they were frequently assailed, remain among the singular circumstances of these daring voyages.'

It was on Friday, the 3d of August, 1492, that the bold ad-

...vith the earliest dawn, from the little port ...nificent expedition; and immediately began ...addressed to the sovereigns, from the *exordium* ...uery printed by Navarette, we receive a strong im...n both of the gravity and dignity of his character, and of ...portance he attached to his undertaking. We subjoin a ...rt specimen.

'Therefore your highnesses, as Catholic Christians and princes, ...ers and promoters of the holy Christian faith, and enemies of the ...t of Mahomet, and of all idolatries and heresies, determined to send ... Christopher Columbus, to the said parts of India, to see the said ...nces, and the people, and lands, and discover the nature and dispo...ion of them all, and the means to be taken for the conversion of them ...o our holy faith; and ordered that I should not go by land to the East, ...y which it is the custom to go, but by a voyage to the West, by which ...ourse, unto the present time, we do not know for certain that any one ...ath passed; and for this purpose bestowed great favours upon me, ...nobling me, that thenceforward I might style myself Don, appoint... me high admiral of the Ocean Sea, and perpetual viceroy and go...nor of all the islands and continents I should discover and gain, ...d which henceforward may be discovered and gained, in the Ocean ...; and that my eldest son should succeed me, and so on, from gene...ion to generation, for ever. I departed, therefore, from the city of ...anada on Saturday the 12th of May, of the same year 1492, to Pa... a sea-port, where I armed three ships well calculated for such ser...ce, and sailed from that port well furnished with provisions, and with ...any seamen, on Friday the 3d of August of the same year, half an ...ur before sunrise, and took the route for the Canary islands of your ...hnesses, to steer my course thence, and navigate until I should ar...e at the Indies, and deliver the embassy of your highnesses to those ...inces, and accomplish that which you had commanded. For this ...rpose, I intend to write during this voyage very punctually, from ...y to day, all that I may do, and see, and experience, as will here...after be seen. Also, my sovereign princes, beside describing each night all that has occurred in the day, and in the day the navigation of the night, I propose to make a chart, in which I will set down the waters and lands of the Ocean Sea, in their proper situations, under their bearings; and, further, to compose a book, and illustrate the whole in picture by latitude from the equinoctial, and longitude from the West; and upon the whole it will be essential that I should forget sleep, and attend closely to the navigation, to accomplish these things, which will be a great labour.'

As a guide by which to sail, Mr Irving also informs us, he had prepared 'a map, or chart, improved upon that sent him by 'Paolo Toscanelli. Neither of these now exist, but the globe, or 'planisphere, finished by Martin Behem in this year of the admi'ral's first voyage, is still extant, and furnishes an idea of what 'the chart of Columbus must have been. It exhibits the coasts

'of Europe and Africa, from the south o
'Guinea, and opposite to them, on the othe
'tic, the extremity of Asia, or as it was termed,
'them is placed the island of Cipango (or Japan) which,
'ing to Marco Polo, lay fifteen hundred miles distant fro
'Asiatic coast. In his computations Columbus advanced
'island about a thousand leagues too much to the east; supp
'sing it to lie in the situation of Florida, and at this island h
'hoped first to arrive.'

We pass over the known incidents of this celebrated voyag which are here repeated with new interest and additional deta but we cannot refrain from extracting Mr Irving's account of it fortunate conclusion.

'For three days they stood in this direction; and the further they went the more frequent and encouraging were the signs of land. Flights of small birds of various colours, some of them such as sing in the fields, came flying about the ships, and then continued towards th south-west, and others were heard also flying by in the night. Tunny fish played about the smooth sea, and a heron, a pelican, and a duck were seen, all bound in the same direction. The herbage which floa ed by the ships was fresh and green, as if recently from land, and th air, Columbus observes, was sweet and fragrant as April breezes Seville.

'All these, however, were regarded by the crews as so many delu sions, beguiling them on to destruction; and when on the evening of th third day they beheld the sun go down upon a shoreless horizon, they broke forth into clamorous turbulence. Fortunately, however, th manifestations of neighbouring land were such on the following da as no longer to admit a doubt. Besides a quantity of fresh weeds, such as grow in rivers, they saw a green fish of a kind which keeps about rocks; then a branch of thorn with berries on it, and recently separated from the tree, floated by them; then they picked up a reed, a small board, and, above all, a staff artificially carved. All gloom and mutiny now gave way to sanguine expectation; and throughout the day each one was eagerly on the watch, in hopes of being the first to discover the long-sought-for land.

'In the evening, when, according to invariable custom on board of the admiral's ship, the mariners had sung the *salve regina*, or vesper hymn to the Virgin, he made an impressive address to his crew. He pointed out the goodness of God in thus conducting them by such soft and favouring breezes across a tranquil ocean, cheering their hopes continually with fresh signs, increasing as their fears augmented, and thus leading and guiding them to a promised land.

'The breeze had been fresh all day, with more sea than usual, and they had made great progress. At sunset they had stood again to the west, and were ploughing the waves at a rapid rate, the Pinta keeping the lead, from her superior sailing. The greatest animation prevailed throughout the ships; not an eye was closed that night. As the evening darkened, Columbus took his station on the top of the castle or

p of his vessel. However, he might carry a t countenance during the day, it was to him a painful anxiety; and now when he was wrapped from on by the shades of night, he maintained an intense and ung watch, ranging his eye along the dusky horizon, in search e most vague indications of land. Suddenly, about ten o'clock, he ght he beheld a light glimmering at a distance! Fearing that his ager hopes might deceive him, he called to Pedro Gutierrez, gentleman of the king's bed-chamber, and inquired whether he saw a light n that direction; the latter replied in the affirmative. Columbus, yet oubtful whether it might not be some delusion of the fancy, called odrigo Sanchez of Segovia, and made the same inquiry. By the ime the latter had ascended the round-house, the light had disappeared. They saw it once or twice afterwards in sudden and passing gleams; as it were a torch in the bark of a fisherman, rising and sinking with the waves; or in the hand of some person on shore, borne up and down as he walked from house to house. So transient and uncertain were these gleams, that few attached any importance to them; Columbus, however, considered them as certain signs of land, and moreover, that the land was inhabited.

'They continued their course until two in the morning, when a gun rom the Pinta gave the joyful signal of land. It was first discovered y a mariner named Rodrigo de Triana; but the reward was afterwards adjudged to the admiral, for having previously perceived the light. The land was now clearly seen about two leagues distant; whereupon they took in sail and lay to, waiting impatiently for the dawn.

'The thoughts and feelings of Columbus in this little space of time must have been tumultuous and intense. At length, in spite of every difficulty and danger, he had accomplished his object. The great mystery of the ocean was revealed; his theory, which had been the scoff of sages, was triumphantly established; he had secured to himself a glory which must be as durable as the world itself.

'It is difficult even for the imagination to conceive the feelings of such a man at the moment of so sublime a discovery. What a bewildering crowd of conjectures must have thronged upon his mind, as to the land which lay before him, covered with darkness. That it was fruitful was evident, from the vegetables which floated from its shores. He thought, too, that he perceived in the balmy air the fragrance of aromatic groves. The moving light which he had beheld, had proved that it was the residence of man. But what were its inhabitants? Were they like those of the other parts of the globe; or were they some strange and monstrous race, such as the imagination in those times was prone to give to all remote and unknown regions? Had he come upon some wild island far in the Indian sea; or was this the famed Cipango itself, the object of his golden fancies? A thousand speculations of the kind must have swarmed upon him, as, with his anxious crews, he waited for the night to pass away: wondering whether the morning light would reveal a savage wildnerness, or dawn upon spicy groves, and glittering fanes, and gilded cities, and all the splendour of oriental civilization.'

The land to which he was thus triump island of San Salvador, since called Cat Islan and at early dawn he landed with a great compa armed and attired, and bearing in his hand the royal sta Castile.

'As they approached the shores, they were refreshed by the s of the ample forests, which in those climates have extraordinary beau ty of vegetation. They beheld fruits of tempting hue, but unknown kind, growing among the trees which overhung the shores. The purity and suavity of the atmosphere, the crystal transparency of the sea which bathe these islands, give them a wonderful beauty, and mus have had their effect upon the susceptible feelings of Columbus. No sooner did he land, than he threw himself upon his knees, kissed the earth, and returned thanks to God with tears of joy. His example was followed by the rest, whose hearts indeed overflowed with the same feelings of gratitude.'

'The natives of the island, when, at the dawn of day, they had beheld the ships, with their sails set, hovering on their coast, had supposed them some monsters which had issued from the deep during the night. They had crowded to the beach, and watched their movements with awful anxiety. Their veering about, apparently without effort; the shifting and furling of their sails, resembling huge wings, filled them with astonishment. When they beheld their boats approach the shore, and a number of strange beings, clad in glittering steel, or raiment of various colours, landing upon the beach, they fled in affright to their woods. Finding, however, that there was no attempt to pursue nor molest them, they gradually recovered from their terror, and approached the Spaniards with great awe; frequently prostrating themselves on the earth, and making signs of adoration. During the ceremonies of taking possession, they remained gazing in timid admiration at the complexion, the beards, the shining armour, and splendid dress, of the Spaniards. The admiral particularly attracted their attention, from his commanding height, his air of authority, his dress of scarlet, and the deference which was paid him by his companions; all which pointed him out to be the commander. When they had still further recovered from their fears, they approached the Spaniards, touched their beards, and examined their hands and faces, admiring their whiteness. Columbus, pleased with their simplicity, their gentleness, and the confidence they reposed in beings who must have appeared to them so strange and formidable, suffered their scrutiny with perfect acquiescence. The wondering savages were won by this benignity; they now supposed that the ships had sailed out of the crystal firmament which bounded their horizon, or that they had descended from above on their ample wings, and that these marvellous beings were inhabitants of the skies.'

Nothing is more remarkable in the journal of the great discoverer, than his extraordinary sensibility to the beauty of the scenery, and the charms of the climate, of this new world.

ne, in one passage about this time, "where first ...es ever weary of gazing on the beautiful verdure." ...st end of the island he found fine lakes of fresh-water, ... groves, and surrounded by banks covered with herbage. ...e ordered all the casks of the ships to be filled. "Here are large ...," says he, in his journal, "and the groves about them are marvel...s, and here and in all the island every thing is green, and the herb...ge as in April in Andalusia. The singing of the birds is such, that it seems as if one would never desire to depart hence; there are flocks of parrots which obscure the sun, and other birds, large and small, of ...o many kinds and so different from ours, that it is wonderful; and be...des there are trees of a thousand species, each having its particular fruit, and all of marvellous flavour, so that I am in the greatest trouble in the world not to know them, for I am very certain that they are each of great value. I shall bring home some of them as specimens, and also some of the herbs." Columbus was intent on discovering the drugs and spices of the east, and on approaching this island, had fancied he perceived, in the air which came from it, the spicy odours said to be wafted from the islands of the Indian seas: "As I arrived at this cape," says he, "there ...ame thence a fragrance so good and soft of the flowers or trees of the ...and, that it was the sweetest thing in the world. I believe there are ...ere many herbs and trees which would be of great price in Spain for ...inctures, medicines, and spices, but I know nothing of them, which gives me great vexation."

'The fish, which abounded in these seas, partook of the novelty which ...haracterised most of the objects in this new world. They rivalled the birds in the tropical brilliancy of their colours, the scales of some of them glancing back the rays of light like precious stones; as they sported ...bout the ships, they flashed gleams of gold and silver through the clear ...vaves; and the dolphins, taken out of their element, delighted the eye with the changes of colours ascribed in fable to the cameleon.'

On his first arrival at Cuba, these raptures are, if possible, redoubled.

'As he approached this noble island, he was struck with its magnitude, and the grandeur of its features; its high and airy mountains, which reminded him of those of Sicily; its fertile valleys, and long sweeping plains, watered by noble rivers; its stately forests; its bold promontories, and stretching headlands, which melted away into the remotest distance. He anchored in a beautiful river, free from rocks or shoals, of transparent water, its banks overhung with trees. Here, landing, and taking possession of the island, he gave it the name of Juana, in honour of Prince Juan, and to the river the name of San Salvador.

'Returning to his boat, he proceeded for some distance up the river, more and more enchanted with the beauty of the country. The forests which covered each bank were of high and wide-spreading trees; some bearing fruits, others flowers, while in some, both fruit and flower were mingled, bespeaking a perpetual round of fertility; among them were

many palms, but different from those of Spain a[illegible] rude great leaves of these, the natives thatched their cabins.

'The continual eulogies made by Columbus on the [illegible] scenery were warranted by the kind of scenery he was beh[illegible] There is a wonderful splendour, variety, and luxuriance in the v[illegible]tation of those quick and ardent climates. The verdure of the groves and the colours of the flowers and blossoms, derive a vividness to th[illegible] eye from the transparent purity of the air, and the deep serenity of the azure heavens. The forests, too, are full of life, swarming with birds of brilliant plumage. Painted varieties of parrots, and woodpeckers, create a glitter amidst the verdure of the grove, and humming birds rove from flower to flower, resembling, as has well been said, animated particles of a rainbow. The scarlet flamingos, too, seen sometimes through an opening of a forest in a distant savannah, have the appearance of soldiers drawn up in battalion, with an advanced scout on the alert, to give notice of approaching danger. Nor is the least beautiful part of animated nature the various tribes of insects that people every plant, displaying brilliant coats of mail, which sparkle to the eye like precious gems.

'Such is the splendour of animal and vegetable creation in these tropical climates, where an ardent sun imparts, in a manner, his own lustre to every object, and quickens nature into exuberant fecundity. The birds, in general, are not remarkable for their notes; for it has been observed that in the feathered race sweetness of song rarely accompanies brilliancy of plumage. Columbus remarks, however, that there were various kinds which sang sweetly among the trees, and he frequently deceived himself in fancying that he heard the voice of the nightingale, a bird unknown in these countries. He was, in fact, in a mood to see every thing through a fond and favouring medium. His heart was full even to overflowing, for he was enjoying the fulfilment of his hopes, and the hard-earned but glorious reward of his toils and perils. Every thing round him was beheld with the enamoured and exulting eye of a discoverer, where triumph mingles with admiration; and it is difficult to conceive the rapturous state of his feelings, while thus exploring the charms of a virgin world, won by his enterprise and valour.

'From his continual remarks on the beauty of the scenery, and from the pleasure which he evidently derived from rural sounds and objects, he appears to have been extremely open to those delicious influences, exercised over some spirits, by the graces and wonders of nature. He gives utterance to these feelings with characteristic enthusiasm, and at the same time with the artlessness and simplicity of diction of a child. When speaking of some lovely scene among the groves, or along the flowery shore, of this favoured island, he says, "one could live there for ever."—Cuba broke upon him like an elysium. "It is the most beautiful island," he says, "that eyes ever beheld, full of excellent ports and profound rivers." The climate was more temperate here than in the other islands, the nights being neither hot nor cold, while the birds and grasshoppers sang all night long. Indeed there is

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al night, in the depth of the dark-blue sky, the ... the stars, and the resplendent clearness of the moon, ... ver the rich landscape and the balmy groves, a charm ... ouching than the splendour of the day.

... n the sweet smell of the woods, and the odour of the flowers, which loaded every breeze, Columbus fancied he perceived the fragrance of oriental spices; and along the shores he found shells of the kind of oyster which produces pearls. From the grass growing to the very edge of the water, he inferred the peacefulness of the ocean which bathes these islands, never lashing the shore with angry surges. Ever since his arrival among these Antilles, he had experienced nothing but soft and gentle weather, and he concluded that a perpetual serenity reigned over these happy seas. He was little suspicious of the occasional bursts of fury to which they are liable.'

Hispaniola was still more enchanting.

'In the transparent atmosphere of the tropics, objects are descried at a great distance, and the purity of the air and serenity of the deep blue sky, gave a magical effect to the scenery. Under these advantages, the beautiful island of Hayti revealed itself to the eye as they approached. Its mountains were higher and more rocky than those of the other islands; but the rocks reared themselves from among rich forests. The mountains swept down into luxuriant plains and green savannas, while the appearance of cultivated fields, with the numerous fires at night, and the columns of smoke which rose in various parts by day, all showed it to be populous. It rose before them in all the splendour of tropical vegetation, one of the most beautiful islands in the world, and doomed to be one of the most unfortunate.'

The first interview with the friendly cacique Guacanagari, as well as his generous attentions on the wreck of one of their vessels, are described with great beauty. But we can only find room for the concluding part of it.

'The extreme kindness of the cacique, the gentleness of his people, the quantities of gold which were daily brought to be exchanged for the veriest trifles, and the information continually received of sources of wealth in the bosom of this beautiful island, all contributed to console the admiral for the misfortune he had suffered.

'The shipwrecked crew also, living on shore, and mingling freely with the natives, became fascinated with their easy and idle mode of life. Exempted by their simplicity from the painful cares and toils which civilized man inflicts upon himself by his many artificial wants, the existence of these islanders seemed to the Spaniards like a pleasant dream. They disquieted themselves about nothing. A few fields, cultivated almost without labour, furnished the roots and vegetables which formed a great part of their diet. Their rivers and coasts abounded with fish; their trees were laden with fruits of golden or blushing hue, and heightened by a tropical sun to delicious flavour and fragrance. Softened by the indulgence of nature, a great part of their day was passed in indolent repose, in that luxury of sensation inspired by a serene sky and a voluptuous climate; and in the evenings they danced in

their fragrant groves, to their national songs, or the rude [illegible] sylvan drums.

'Such was the indolent and holiday life of these si[illegible] which, if it had not the great scope of enjoyment, nor the [illegible] soned poignancy of pleasure, which attend civilization, was ce[illegible] destitute of most of its artificial miseries.'

It was from this scene of enchantment and promise, unclou ed as yet by any shadow of animosity or distrust, that Columbu without one drop of blood on his hands, or one stain of cruelt or oppression on his conscience, set sail on his return to Europ with the proud tidings of his discovery. In the early part of h. voyage he fell in with the Carribee Islands, and had some stri king encounters with the brave but ferocious tribes who possessed them. The distresses which beset him on his home passage are well known; but we willingly pass these over, to treat our readers with Mr Irving's splendid description of his magnificent reception by the court at Barcelona.

'The fame of his discovery had resounded throughout the natioı and as his route lay through several of the finest and most populo provinces of Spain, his journey appeared like the progress of a sovereign. Wherever he passed, the surrounding country poured fort' its inhabitants, who lined the road and thronged the villages. In th large towns, the streets, windows, and balconies, were filled with eagr spectators, who rent the air with acclamations. His journey was continually impeded by the multitude pressing to gain a sight of him and of the Indians, who were regarded with as much astonishment as if they had been natives of another planet. It was impossible to satisfy the craving curiosity which assailed himself and his attendants at every stage with innumerable questions; popular rumour, as usual, had exaggerated the truth, and had filled the newly-found country with all kinds of wonders.

'It was about the middle of April that Columbus arrived at Barcelona, where every preparation had been made to give him a solemn and magnificent reception. The beauty and serenity of the weather in that genial season and favoured climate, contributed to give splendour to this memorable ceremony. As he drew near the place, many of the more youthful courtiers, and hidalgos of gallant bearing, together with a vast concourse of the populace, came forth to meet and welcome him. His entrance into this noble city has been compared to one of those triumphs which the Romans were accustomed to decree to conquerors. First, were paraded the Indians, painted according to their savage fashion, and decorated with their national ornaments of gold. After these were borne various kinds of live parrots, together with stuffed birds and animals of unknown species, and rare plants, supposed to be of precious qualities; while great care was taken to make a conspicuous display of Indian coronets, bracelets, and other decorations of gold, which might give an idea of the wealth of the newly-discovered regions. After this, followed Columbus on horseback, sur-

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brilliant cavalcade of Spanish chivalry. The streets were
able from the countless multitude; the windows and bal-
crowded with the fair; the very roofs were covered with
rs. It seemed as if the public eye could not be sated with
g on these trophies of an unknown world; or on the remarkable
by whom it had been discovered. There was a sublimity in this
ent that mingled a solemn feeling with the public joy. It was look-
upon as a vast and signal dispensation of providence, in reward for
ie piety of the monarchs; and the majestic and venerable appearance
f the discoverer, so different from the youth and buoyancy that are
nerally expected from roving enterprise, seemed in harmony with
ne grandeur and dignity of his achievement.

'To receive him with suitable pomp and distinction, the sovereigns had ordered their throne to be placed in public, under a rich canopy of brocade of gold, in a vast and splendid saloon. Here the king and queen awaited his arrival, seated in state, with the prince Juan beside them, and attended by the dignitaries of their court, and the principal nobility of Castile, Valentia, Catalonia, and Arragon, all impatient to behold the man who had conferred so incalculable a benefit upon the nation. At length Columbus entered the hall, surrounded by a brilliant crowd of cavaliers, among whom, says Las Casas, he was conspicuous for his stately and commanding person, which, with his countenance, rendered venerable by his grey hairs, gave him the august appearance of a senator of Rome; a modest smile lighted up his features, showing that he enjoyed the state and glory in which he came; and certainly nothing could be more deeply moving to a mind inflamed by noble ambition, and conscious of having greatly deserved, than these testimonials of the admiration and gratitude of a nation, or rather of a world. As Columbus approached, the sovereigns rose, as if receiving a person of the highest rank. Bending his knees, he requested to kiss their hands; but there was some hesitation on the part of their majesties to permit this act of vassalage. Raising him in the most gracious manner, they ordered him to seat himself in their presence; a rare honour in this proud and punctilious court.'

In his second voyage he falls in again with the Caribs, of whose courage and cannibal propensities he had now sufficient assurance. Mr Irving's remarks upon this energetic but untameable race are striking, and we think original.

'The warlike and unyielding character of these people, so different from that of the pusillanimous nations around them, and the wide scope of their enterprises and wanderings, like those of the Nomade tribes of the Old World, entitle them to distinguished attention. They were trained to war from their infancy. As soon as they could walk, their intrepid mothers put in their hands the bow and arrow, and prepared them to take an early part in the hardy enterprises of their fathers. Their distant roamings by sea made them observant and intelligent. The natives of the other islands only knew how to divide time by day and night, by the sun and moon; whereas these had acquired some knowledge of the stars, by which to calculate the times and seasons.

'The traditional accounts of their origin, though of course vague, are yet capable of being verified to a great degree phical facts, and open one of the rich veins of curious inqui culation which abound in the New World. They are said to grated from the remote valleys embosomed in the Apalachian m tains. The earliest accounts we have of them represent them their weapons in their hands, continually engaged in wars, winn their way and shifting their abode, until, in the course of time, t found themselves at the extremity of Florida. Here, abandoni the northern continent, they passed over to the Lucayos, and fr thence gradually, in the process of years, from island to island that vast and verdant chain, which links, as it were, the end Florida to the coast of Paria, on the southern continent. The A chipelago, extending from Porto Rico to Tobago, was their stron hold, and the island of Guadaloupe in a manner their citadel. Henc they made their expeditions, and spread the terror of their nam through all the surrounding countries. Swarms of them landed upo the southern continent, and overran some parts of Terra Firma. Trac of them have been discovered far in the interior of the country throug which flows the Oroonoko. The Dutch found colonies of them on th banks of the Ikouteka, which empties into the Surinam, along t Esquibi, the Maroni, and other rivers of Guayana, and in the coun try watered by the windings of the Cayenne; and it would appe that they have extended their wanderings to the shores of the sout ern ocean, where, among the aboriginals of Brazil, were some wh called themselves Caribs, distinguished from the surrounding India by their superior hardihood, subtlety, and enterprise.

'To trace the footsteps of this roving tribe throughout its wide migrations from the Apalachian mountains of the northern continent, along the clusters of islands which stud the Gulf of Mexico and the Caribbean sea to the shores of Paria, and so across the vast regions of Guayana and Amazonia to the remote coast of Brazil, would be one of the most curious researches in aboriginal history, and might throw much light upon the mysterious question of the population of the New World.'

We pass over the melancholy story of the ruined fort, and murdered garrison, to which our adventurer returned on his second voyage; and of the first dissentions that broke out in his now increasing colony; but must pause for a moment to accompany him on his first march, at the head of 400 armed followers, into the interior of the country, and to the mountain region of expected gold. For two days the party proceeded up the banks of a stream, which seemed at last to lose itself in a narrow and rocky recess.

'On the following day, the army toiled up this steep defile, and arrived where the gorge of the mountain opened into the interior. Here a land of promise suddenly burst upon their view. It was the same glorious prospect which had delighted Ojeda and his companions. Below

and delicious plain, painted and enamelled, as it were, with variety of tropical vegetation. The magnificent forests pre- mingled beauty and majesty of vegetable forms known only enerous climates. Palms of prodigious height, and spreading gany trees, towered from amid a wilderness of variegated foliage. ersal freshness and verdure were maintained by numerous streams, ch meandered gleaming through the deep bosom of the woodland; le various villages and hamlets, peeping from among the trees, and e smoke of others rising out of the midst of the forests, gave signs of umerous population. The luxuriant landscape extended as far as the could reach, until it appeared to melt away and mingle with the ho- zon. The Spaniards gazed with rapture upon this soft voluptuous untry, which seemed to realize their ideas of a terrestrial paradise; nd Columbus, struck with its vast extent, gave it the name of the Vega Real, or Royal Plain.

'Having descended the rugged pass, the army issued upon the plain, a military array, with great clangour of warlike instruments. When he Indians beheld this shining band of warriors, glittering in steel, merging from the mountains with prancing steeds and flaunting ban- ers, and heard, for the first time, their rocks and forests echoing to the n of drum and trumpet, they might well have taken such a wonder- al pageant for a supernatural vision.

'In this way Columbus disposed his forces whenever he approached populous village, placing the cavalry in front, for the horses inspired mingled terror and admiration among the natives. Las Casas observes, hat at first they supposed the rider and his horse to be one animal, and nothing could exceed their astonishment at seeing the horseman dis- mount; a circumstance which shows that the alleged origin of the an- cient fable of the Centaurs is at least founded in nature.'

'Thus penetrating into the midst of this great island, where every scene presented the wild luxuriance of beautiful but uncivilized nature, they arrived on the evening of the second day at a chain of lofty and rugged mountains, which formed a kind of barrier to the Vega. These Columbus was told were the golden mountains of Cibao, whose region commenced at their rocky summits. The country now began to grow rough and difficult, and the people being way-worn, they encamped for the night at the foot of a steep defile, which led up into the mountains, and pioneers were sent in advance to open a road for the army. From this place they sent back mules for a supply of bread and wine, their provisions beginning to grow scanty, for they had not as yet accustomed themselves to the food of the natives, which was afterwards found to be very nutritious, and well suited to the climate.

'On the next morning they resumed their march up a narrow and steep glen, winding among craggy rocks, where they were obliged to lead the horses. Arrived at the summit, they once more enjoyed a pros- pect of the delicious Vega, which here presented a still grander appear- ance, stretching far and wide on either hand, like a vast verdant lake. This noble plain, according to Las Casas, is eighty leagues in length, and from twenty to thirty in breadth, and of incomparable beauty.'

'The natives appeared to them a singularly idle and improvident

race, indifferent to most of the objects of human anxiety and ; were impatient of all kinds of labour, scarcely giving them trouble to cultivate the yuca root, the maize, and the potatoe formed the main articles of subsistence. For the rest, their abounded with fish; they caught the utia or coney, the guana, an rious birds; and they had a perpetual banquet from the fruits spon neously produced by their groves. Though the air was sometimes co. among the mountains, yet they preferred submitting to a little temp rary suffering, rather than take the trouble to weave garments from t gossampine cotton which abounded in their forests. Thus they loiter away existence in vacant inactivity, under the shade of their trees, amusing themselves occasionally with various games and dances.'

'Having accomplished the purposes of his residence in the Vega, C lumbus, at the end of a few days, took leave of its hospitable inhabitant and resumed his march for the harbour, returning with his little arm through the lofty and rugged gorge of the mountains called the Pass the Hidalgos. As we accompany him in imagination over the rock height, from whence the Vega first broke upon the eye of the Europe ans, we cannot help pausing to cast back a look of mingled pity and ac miration over this beautiful but devoted region. The dream of natu ral liberty, of ignorant content, and loitering idleness, was as yet un broken, but the fiat had gone forth; the white man had penetrated into the land; avarice, and pride, and ambition, and pining care, and sordi labour, were soon to follow, and the indolent paradise of the Indian to disappear for ever!'

There is something to us inexpressibly pleasing in these passages; but we are aware that there are readers to whom they may seem tedious—and believe, at all events, that we have now given a large enough specimen of the kind of beauty they present. For persons of a different taste we ought to have extracted some account of the incredible darings, and romantic adventures, of Alonzo de Ojeda, or of the ruder prowess and wild magnanimity of the cacique Caonabo, who alone of the island chieftains dared to offer any resistance to the invaders. When made prisoner, and carried off from the centre of his dominions, by one of the unimaginable feats of Ojeda, Mr Irving has reported that

'He always maintained a haughty deportment towards Columbus, while he never evinced the least animosity against Ojeda for the artifice to which he had fallen a victim. It rather increased his admiration of him, as a consummate warrior, looking upon it as the exploit of a master-spirit to have pounced upon him, and borne him off, in this hawk-like manner, from the very midst of his fighting-men. There is nothing that an Indian more admires in warfare, than a deep well-executed stratagem.

'Columbus was accustomed to bear himself with an air of dignity and authority as admiral and viceroy, and exacted great personal respect. When he entered the apartment therefore where Caonabo was confined, all present rose, according to custom, and paid him reverence. The

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one neither moved, nor took any notice of him. On the con- n Ojeda entered, though small in person and without exter- e, Caonabo immediately rose and saluted him with profound re- On being asked the reason of this, Columbus being Guamiquina, reat chief over all, and Ojeda but one of his subjects, the proud ib replied, that the admiral had never dared to come personally to s house and seize him, it was only through the valour of Ojeda he was s prisoner; to Ojeda, therefore, he owed reverence, not to the admi- al.'

The insolent license of the Spaniards, and the laborious arches for gold which they imposed on the natives, had at last vercome their original feelings of veneration; and, trusting to heir vast superiority in numbers, they ventured to make war on their heaven-descended visitants. The result was unresisted arnage and hopeless submission. A tax of a certain quantity of gold dust was imposed on all the districts that afforded that substance, and of certain quantities of cotton and of grain on all he others—and various fortresses were erected, and garrisons tationed, to assist the collection of the tribute.

'In this way,' says Mr Irving, 'was the yoke of servitude fixed upon the island, and its thraldom effectually ensured. Deep despair now fell upon the natives, when they found a perpetual task inflicted upon them, enforced at stated and frequently recurring periods. Weak and indolent by nature, unused to labour of any kind, and brought up in the untasked idleness of their soft climate and their fruitful groves, death itself seemed preferable to a life of toil and anxiety. They saw no end to this harassing evil, which had so suddenly fallen upon them; no escape from its all-pervading influence; no prospect of return to that roving independence and ample leisure, so dear to the wild inhabitants of the forest. The pleasant life of the island was at an end; the dream in the shade by day; the slumber during the sultry noon-tide heat by the fountain or the stream, or under the spreading palm-tree; and the song, the dance, and the game in the mellow evening, when summoned to their simple amusements by the rude Indian drum. They were now obliged to grope day by day, with bending body and anxious eye, along the borders of their rivers, sifting the sands for the grains of gold which every day grew more scanty; or to labour in their fields beneath the fervour of a tropical sun, to raise food for their taskmasters, or to produce the vegetable tribute imposed upon them. They sunk to sleep weary and exhausted at night, with the certainty that the next day was but to be a repetition of the same toil and suffering. Or if they occasionally indulged in their national dances, the ballads to which they kept time were of a melancholy and plaintive character. They spoke of the times that were past before the white men had introduced sorrow and slavery, and weary labour among them; and they rehearsed pretended prophecies, handed down from their ancestors, foretelling the invasion of the Spaniards; that strangers should come into their island, clothed in apparel, with swords capable of cleaving a man asun-

der at a blow, under whose yoke their posterity should be s
These ballads, or areytos, they sang with mournful tunes an
voices, bewailing the loss of their liberty and their painful se

There is an interest of another kind in following the route of Columbus along the shores of Cuba and Jamaica, through the turbulent seas that boil among the keys in the g of Paria. The shores still afforded the same beauty of aspect—the people the same marks of submission and delighted wonde

'They came off swimming, or in their canoes, to offer the fruits a productions of the land, and regarded the white men almost w adoration. After the usual evening shower, when the breeze ble from the shore and brought off the sweetness of the land, it bore wi it also the distant songs of the natives and the sound of their rud music, as they were probably celebrating, with their national chant and dances, the arrival of the white men. So delightful were the spicy odours and cheerful sounds to Columbus, who was at present open to all pleasurable influences, that he declared the night passed away as a single hour.

'It is impossible to resist noticing the striking contrasts which are sometimes forced upon the mind. The coast here described as so populous and animated, rejoicing in the visit of the discoverers, is the same that extends westward of the city of Trinidad, along the gulf of Xagua. All is now silent and deserted. Civilization, which ha covered some parts of Cuba with glittering cities, has rendered this a solitude. The whole race of Indians has long since passed away, pining and perishing beneath the domination of the strangers whom they welcomed so joyfully to their shores. Before me lies the account of a night recently passed on this very coast, by a celebrated traveller, (Humboldt,) but with what different feelings from those of Columbus! "I past," says he, "a great part of the night upon the deck. What deserted coasts! not a light to announce the cabin of a fisherman. From Batabano to Trinidad, a distance of fifty leagues, there does not exist a village. Yet in the time of Columbus this land was inhabited even along the margin of the sea. When pits are digged in the soil, or the torrents plough open the surface of the earth, there are often found hatchets of stone and vessels of copper, relics of the ancient inhabitants of the island."'

We cannot resist the temptation of adding the following full-length picture, which has all the splendour of a romance, with the additional charm of being true.

'One morning, as the ships were standing along the coast, with a light wind and easy sail, they beheld three canoes issuing from among the islands of the bay. They approached in regular order; one, which was very large and handsomely carved and painted, was in the centre, a little in advance of the two others, which appeared to attend and guard it. In this were seated the cacique and his family, consisting of his wife, two daughters, two sons, and five brothers. One of the daughters was eighteen years of age, beautiful in form and counte-

her sister was somewhat younger; both were naked, according to the custom of these islands, but were of modest demeanour. In the prow of the canoe stood the standard-bearer of the cacique, clad in a kind of mantle of variegated feathers, with a tuft of gay plumes on his head, and bearing in his hand a fluttering white banner. Two Indians, with caps or helmets of feathers of uniform shape and colour, and their faces painted in a similar manner, beat upon tabors; two others, with hats curiously wrought of green feathers, held trumpets of a fine black wood, ingeniously carved; and there were six others, in large hats and white feathers, who appeared to be guests to the cacique. This gallant little armada having arrived alongside of the admiral's ship, the cacique entered on board with all his train. He appeared in his full regalia. Around his head was a band of small stones of various colours, but principally green, symmetrically arranged, with large white stones at intervals, and connected in front by a large jewel of gold. Two plates of gold were suspended to his ears by rings of small green stones. To a necklace of white beads, of a kind deemed precious by them, was suspended a large plate, in the form of a fleur-de-lys, of gaunin, an inferior species of gold; and a girdle of variegated stones, similar to those round his head, completed his regal decorations. His wife was adorned in a similar manner, having also a very small apron of cotton, and bands of the same round her arms and legs. The daughters were without ornaments, excepting the eldest and handsomest, who had a girdle of small stones, from which was suspended a tablet, the size of an ivy leaf, composed of various-coloured stones, embroidered on net-work of cotton.

'When the cacique entered on board the ship, he distributed presents of the productions of his island among the officers and men. The admiral was at this time in his cabin, engaged in his morning devotions. When he appeared on deck, the chieftain hastened to meet him with an animated countenance. "My friend," said he, "I have determined to leave my country, and to accompany thee. I have heard from these Indians who are with thee, of the irresistible power of thy sovereigns, and of the many nations thou hast subdued in their name. Whoever refuses obedience to thee is sure to suffer. Thou hast destroyed the canoes and dwellings of the Caribs, slaying their warriors, and carrying into captivity their wives and children. All the islands are in dread of thee; for who can withstand thee now, that thou knowest the secrets of the land, and the weakness of the people? Rather, therefore, than thou shouldst take away my dominions, I will embark with all my household in thy ships, and will go to do homage to thy king and queen, and to behold their marvellous country, of which the Indians relate such wonders." When this speech was explained to Columbus, and he beheld the wife, the sons and daughters of the cacique, and thought upon the snares to which their ignorance and simplicity would be exposed, he was touched with compassion, and determined not to take them from their native land. He replied to the cacique, therefore, that he received him under his protection as a vassal of his sovereigns, but having many lands yet to visit before he

returned to his country, he would at some future time fulfil his desi-
Then, taking leave with many expressions of amity, the cacique, w
his wife and daughters, and all his retinue, re-embarked in the cano
returning reluctantly to their island, and the ships continued on t
course.'

But we must turn from these bright legends; and hurry o
ward to the end of our extracts. It is impossible to give any al
stract of the rapid succession of plots, tumults, and desertion
which blighted the infancy of this great settlement, or of t
disgraceful calumnies, jealousies, and intrigues, which gradu
ly undermined the credit of Columbus with his sovereign, an
ended at last in the mission of Bobadilla, with power to super
sede him in command—and in the incredible catastrophe of hi
being sent home *in chains* by this arrogant and precipitate ad
venturer. When he arrived on board the caravel which was t
carry him to Spain, the master treated him with the most pro
found respect, and offered instantly to release him from hi
fetters.

' But to this he would not consent. "No," said he proudly, "the
majesties commanded me by letter to submit to whatever Bobadill
should order in their name; by their authority he has put upon m
these chains—I will wear them until they shall order them to be take
off, and I will preserve them afterwards as relics and memorials of the
reward of my services."

' "He did so," adds his son Fernando; "I saw them always hanging in his cabinet, and he requested that when he died they might be buried with him!" '

If there is something in this memorable brutality which stirs the blood with intense indignation, there is something soothing and still more touching in the instant retribution.

' The arrival,' says Mr Irving, ' of Columbus at Cadiz, a prisoner and in chains, produced almost as great a sensation as his triumphant return from his first voyage. It was one of those striking and obvious facts, which speak to the feelings of the multitude, and preclude the necessity of reflection. No one stopped to inquire into the case. It was sufficient to be told that Columbus was brought home in irons from the world he had discovered! A general burst of indignation arose in Cadiz, and in the powerful and opulent Seville, which was immediately echoed throughout all Spain.'

' Ferdinand joined with his generous queen in her reprobation of the treatment of the admiral, and both sovereigns hastened to give evidence to the world, that his imprisonment had been without their authority, and contrary to their wishes. Without waiting to receive any documents that might arrive from Bobadilla, they sent orders to Cadiz that the prisoners should be instantly set at liberty, and treated with

'l distinction. They wrote a letter to Columbus, couched in terms of ...titude and affection, expressing their grief at all he had suffered, ...d inviting him to court. They ordered, at the same time, that two ...usand ducats should be advanced to defray his expenses.

The loyal heart of Columbus was again cheered by this declaration ...is sovereigns. He felt conscious of his integrity, and anticipated ...immediate restitution of all his rights and dignities. He appeared ...court in Granada on the 17th of December, not as a man ruined and ...sgraced, but richly dressed, and attended by an honourable retinue. ...was received by their majesties with unqualified favour and dis...ction. When the queen beheld this venerable man approach, and ...ought on all he had deserved and all that he had suffered, she was ...oved to tears. Columbus had borne up firmly against the stern con...icts of the world,—he had endured with lofty scorn the injuries and ...nsults of ignoble men, but he possessed strong and quick sensibility. ...When he found himself thus kindly received by his sovereigns, and ...beheld tears in the benign eyes of Isabella, his long-suppressed feel...ings burst forth: he threw himself upon his knees, and for some time ...ould not utter a word for the violence of his tears and sobbings!'

In the year 1502, and in the sixty-sixth year of his age, the in...defatigable discoverer set out on his fourth and last voyage. In this he reached the coast of Honduras, and fell in with a race ...omewhat more advanced in civilization than any he had yet en...countered in these remote regions. They had mantles of woven cotton, and some small utensils of native copper. He then ran down the shore of Veragua, and came through tremendous tempests to Portobello, in search, it appears, of a strait or inlet, by which he had persuaded himself he should find a ready way to the shores of the Ganges. The extreme severity of the season, and the miserable condition of his ships, compelled him, however, to abandon this great enterprise; the account of which Mr Irving winds up with the following quaint and not very felicitous observation. 'If he was disappointed in his expectation of 'finding a strait through the Isthmus of Darien, it was because 'nature herself had been disappointed—for she appears to have 'attempted to make one, but to have attempted it in vain.'

After this he returned to the coast of Veragua, where he landed, and formed a temporary settlement, with a view of searching for certain gold mines which he had been told were in the neighbourhood. This, however, was but the source of new disasters. The natives, who were of a fierce and warlike character, attacked and betrayed him—and his vessels were prevented from getting to sea, by the formation of a formidable bar at the mouth of the river. He had here to sustain many attacks from the exasperated natives. But having fortunately captured the family and attendants of a powerful cacique, he expected to deter his subjects

from farther violence, when his prisoners effected their escape in a very remarkable manner.

'They were shut up at night in the forecastle of the caravel, the hatchway of which was secured by a strong chain and padlock. As several of the crew slept upon the hatch, and as it was so high as to be considered out of reach of the prisoners, they neglected to faste the chain. The Indians discovered their negligence, and formed a pla of escape. Collecting together a quantity of stones from the ballast the vessel, they made a great heap directly under the hatchway. Se veral of the most powerful warriors mounted upon the top, and b ing their backs, by a sudden and simultaneous effort burst open covert, flinging the seamen who slept upon it to the opposite side of t ship. In an instant the greater part of the Indians sprang forth, plun ging into the sea, and swam for shore. The alarm being given, several were prevented from sallying forth; others were seized on the deck, and forced back into the forecastle; the hatchway was carefully chained down, and a guard was set for the rest of the night. In the morning, when the Spaniards went to examine the captives, they were al found dead! Some had hanged themselves with the end of ropes, thei knees touching the floor; others had strangled themselves by strainin the cords tight with their feet. The most inflexible determination on death was visible in the mode in which they had destroyed themselves; and the whole presented a picture of the fierce and unconquerable spirit of these people, and their horror of the white men.'

At last, by prodigious exertions, and the heroic spirit of some of his officers, he was enabled to get away. But his altered fortune still pursued him. He was harassed by perpetual storms, and after having beat up nearly to Hispaniola, was assailed by

'A sudden tempest, of such violence, that, according to the strong expression of Columbus, it seemed as if the world would dissolve. They lost three of their anchors almost immediately, and the caravel Bermuda was driven with such violence upon the ship of the admiral, that the bow of the one, and the stern of the other, were greatly shattered. The sea running high, and the wind being boisterous, the vessels chafed and injured each other dreadfully, and it was with great difficulty that they were separated. One anchor only remained to the admiral's ship, and this saved him from being driven upon the rocks; but at daylight the cable was found nearly worn asunder. Had the darkness continued an hour longer, he could scarcely have escaped shipwreck.

'At the end of six days, the weather having moderated, he resumed his course, standing eastward for Hispaniola: "his people," as he says, "dismayed and down-hearted, almost all his anchors lost, and his vessels bored as full of holes as a honeycomb."'

His proud career seemed now to be hastening to a miserable end. Incapable of struggling longer with the elements, he was obliged to run before the wind to Jamaica, where he was not even in a condition to attempt to make any harbour.

'His ships, reduced to mere wrecks, could no longer keep the sea,

and were ready to sink even in port. He ordered them, therefore, to be run aground, within a bow-shot of the shore, and fastened together, side by side. They soon filled with water to the decks. Thatched cabins were then erected at the prow and stern for the accommodation of the crews, and the wreck was placed in the best possible state of defence. Thus castled in the sea, Columbus trusted to be able to repel any sudden attack of the natives, and at the same time to keep his men from roving about the neighbourhood and indulging in their usual excesses. No one was allowed to go on shore without especial license, and the utmost precaution was taken to prevent any offence from being given to the Indians. Any exasperation of them might be fatal to the Spaniards in their present forlorn situation. A firebrand thrown into their wooden fortress might wrap it in flames, and leave them defenceless amidst hostile thousands.'

'The envy,' says Mr Irving, 'which had once sickened at the glory and prosperity of Columbus, could scarcely have devised for him a more forlorn heritage in the world he had discovered; the tenant of a wreck on a savage coast, in an untraversed ocean, at the mercy of barbarous hordes, who, in a moment, from precarious friends, might be transformed into ferocious enemies; afflicted, too, by excruciating maladies which confined him to his bed, and by the pains and infirmities which hardship and anxiety had heaped upon his advancing age. But Columbus had not yet exhausted his cup of bitterness. He had yet to experience an evil worse than storm, or shipwreck, or bodily anguish, or the violence of savage hordes, in the perfidy of those in whom he confided.'

The account of his sufferings during the twelve long months he was allowed to remain in this miserable condition, is full of the deepest interest, and the strangest variety of adventure. But we can now only refer to it. Two of his brave and devoted adherents undertook to cross to Hispaniola in a slender Indian canoe, and after incredible miseries, at length accomplished this desperate undertaking—but from the cold-hearted indecision, or paltry jealousy, of the new governor Ovando, it was not till the late period we have mentioned, that a vessel was at length despatched to the relief of the illustrious sufferer.

But he was not the only, or even the most memorable sufferer. From the time he was superseded in command, the misery and oppression of the natives of Hispaniola had increased beyond all proportion or belief. By the miserable policy of the new governor, their services were allotted to the Spanish settlers, who compelled them to work by the cruel infliction of the scourge; and, withholding from them the nourishment necessary for health, exacted a degree of labour which could not have been sustained by the most vigorous men.

'If they fled from this incessant toil and barbarous coercion, and took refuge in the mountains, they were hunted out like wild beasts,

scourged in the most inhuman manner, and laden with chains to prevent a second escape. Many perished long before their term of labour had expired. Those who survived their term of six or eight months, were permitted to return to their homes, until the next term commenced. But their homes were often forty, sixty, and eighty leagues distant. They had nothing to sustain them through the journey but a few roots or agi peppers, or a little cassava-bread. Worn down by long toil and cruel hardships, which their feeble constitutions were incapable of sustaining, many had not strength to perform the journey, but sunk down and died by the way; some by the side of a brook, others under the shade of a tree, where they had crawled for shelter from the sun. "I have found many dead in the road," says Las Casas, "others gasping under the trees, and others in the pangs of death, faintly crying, Hunger! hunger!" Those who reached their homes most commonly found them desolate. During the eight months that they had been absent, their wives and children had either perished or wandered away; the fields on which they depended for food were overrun with weeds, and nothing was left them but to lie down, exhausted and despairing, and die at the threshold of their habitations.

'It is impossible to pursue any farther the picture drawn by the venerable Las Casas, not of what he had heard, but of what he had seen—nature and humanity revolt at the details. Suffice it to say that, so intolerable were the toils and sufferings inflicted upon this weak and unoffending race, that they sunk under them, dissolving as it were from the face of the earth. Many killed themselves in despair, and even mothers overcame the powerful instinct of nature, and destroyed the infants at their breasts, to spare them a life of wretchedness. Twelve years had not elapsed since the discovery of the island, and several hundred thousands of its native inhabitants had perished, miserable victims to the grasping avarice of the white men.'

These pictures are sufficiently shocking; but they do not exhaust the horrors that cover the brief history of this ill-fated people. The province or district of Xaragua, which was ruled over by a princess, called Anacaona, celebrated in all the contemporary accounts for the grace and dignity of her manners, and her confiding attachment to the strangers, had hitherto enjoyed a happy exemption from the troubles which distracted the other parts of the island, and when visited about ten years before by the brother of Columbus, had impressed all the Spaniards with the idea of an earthly paradise: both from the fertility and sweetness of the country, the gentleness of its people, and the beauty and grace of the women. Upon some rumours that the neighbouring caciques were assembling for hostile purposes, Ovando now marched into this devoted region with a well-appointed force of near 400 men. He was hospitably and joyfully received by the princess; and affected to encourage and join in the festivity which his presence had excited. He was even himself engaged

in a sportful game with his officers, when the signal for massacre was given—and the place was instantly covered with blood! Eighty of the caciques were burnt over slow fires! and thousands of the unarmed and unresisting people butchered, without regard to sex or age. 'Humanity,' Mr Irving very justly observes, 'turns with horror from such atrocities, and would fain discredit them: But they are circumstantially and still more minutely recorded by the venerable Las Casas—who was *resident in the island at the time*, and conversant with the principal actors in the tragedy.'

Still worse enormities signalized the final subjugation of the province of Higuey—the last scene of any attempt to resist the tyrannical power of the invaders. It would be idle to detail here the progress of that savage and most unequal warfare: But it is right that the butcheries perpetrated by the victors should not be forgotten—that men may see to what incredible excesses civilized beings may be tempted by the possession of absolute and unquestioned power—and may learn, from indisputable memorials, how far the abuse of delegated and provincial authority may be actually carried. If it be true, as Homer has alleged, that the day which makes a man a slave, takes away half his worth—it seems to be still more infallibly and fatally true, that the master generally suffers a yet larger privation.

'Sometimes,' says Mr Irving, 'they would hunt down a straggling Indian, and compel him, by torments, to betray the hiding-place of his companions, binding him and driving him before them as a guide. Wherever they discovered one of these places of refuge, filled with the aged and the infirm, with feeble women and helpless children, they massacred them without mercy. They wished to inspire terror throughout the land, and to frighten the whole tribe into submission. They cut off the hands of those whom they took roving at large, and sent them, as they said, to deliver them as letters to their friends, demanding their surrender. Numberless were those, says Las Casas, whose hands were amputated in this manner, and many of them sunk down and died by the way, through anguish and loss of blood.

'The conquerors delighted in exercising strange and ingenious cruelties. They mingled horrible levity with their bloodthirstiness. They erected gibbets long and low, so that the feet of the sufferers might reach the ground, and their death be lingering. They hanged thirteen together, in reverence, says the indignant Las Casas, of our blessed Saviour and the twelve apostles! While their victims were suspended, and still living, they hacked them with their swords, to prove the strength of their arms and the edge of their weapons. They wrapped them in dry straw, and setting fire to it, terminated their existence by the fiercest agony.

'These are horrible details; yet a veil is drawn over others still more detestable. They are related by the venerable Las Casas, *who*

was an eye-witness of the scenes he describes. He was young at the time, but records them in his advanced years. " All these things," says he, " and others revolting to human nature, my own eyes beheld ! and now I almost fear to repeat them, scarce believing myself, or whether I have not dreamt them."

' These details would have been withheld from the present work as disgraceful to human nature, and from an unwillingness to advance any thing that might convey a stigma upon a brave and generous nation. But it would be a departure from historical veracity, having the documents before my eyes, to pass silently over transactions so atrocious, and vouched for by witnesses beyond all suspicion of falsehood. Such occurrences show the extremity to which human cruelty may extend, when stimulated by avidity of gain, by a thirst of vengeance, or even by a perverted zeal in the holy cause of religion.'

' Such was the ruthless system which had been pursued, during the absence of the admiral, by the commander Ovando, this man of boasted prudence and moderation, who was sent to reform the abuses of the island, and, above all, to redress the wrongs of the natives. The system of Columbus may have borne hard upon the Indians, born and brought up in untasked freedom, but it was never cruel nor sanguinary. He inflicted no wanton massacres nor vindictive punishments ; his desire was to cherish and civilize the Indians, and to render them useful subjects, not to oppress, and persecute, and destroy them. When he beheld the desolation that had swept them from the land during his suspension from authority, he could not restrain the strong expression of his feelings. In a letter written to the king after his return to Spain, he thus expresses himself on the subject. " The Indians of Hispaniola were and are the riches of the island ; for it is they who cultivate and make the bread and the provisions for the Christians, who dig the gold from the mines, and perform all the offices and labours both of men and beasts. I am informed that, since I left this island, (that is, in less than three years,) *six parts out of seven of the natives are dead*, all through ill treatment and inhumanity ; some by the sword, others by blows and cruel usage, others through hunger. The greater part have perished in the mountains and glens, whither they had fled, from not being able to support the labour imposed upon them." '

The story now draws to a close. Columbus returned to Spain, broken down with age and affliction—and after two years spent in unavailing solicitations at the court of the cold-blooded and ungrateful Ferdinand, (his generous patroness, Isabella, having died immediately on his return,) terminated with characteristic magnanimity a life of singular energy, splendour, and endurance. Independent of his actual achievements, he was undoubtedly a great and remarkable man; and Mr Irving has summed up his general character in a very eloquent and judicious way.

' His ambition,' he observes, ' was lofty and noble. He was full of high thoughts, and anxious to distinguish himself by great achievements.

It has been said that a mercenary feeling mingled with his views, and that his stipulations with the Spanish court were selfish and avaricious. The charge is inconsiderate and unjust. He aimed at dignity and wealth in the same lofty spirit in which he sought renown; and the gains that promised to arise from his discoveries, he intended to appropriate in the same princely and pious spirit in which they were demanded. He contemplated works and achievements of benevolence and religion: vast contributions for the relief of the poor of his native city; the foundation of churches, where masses should be said for the souls of the departed; and armies for the recovery of the holy sepulchre in Palestine.

'In his testament, he enjoined on his son Diego, and whoever after him should inherit his estates, whatever dignities and titles might afterwards be granted by the king, always to sign himself simply "the admiral," by way of perpetuating in the family its real source of greatness.'

'He was devoutly pious; religion mingled with the whole course of his thoughts and actions, and shines forth in all his most private and unstudied writings. Whenever he made any great discovery, he celebrated it by solemn thanks to God. The voice of prayer and melody of praise rose from his ships when he first beheld the New World, and his first action on landing was to prostrate himself upon the earth and return thanksgivings. Every evening, the *Salve Regina*, and other vesper hymns, were chanted by his crew, and masses were performed in the beautiful groves that bordered the wild shores of this heathen land. The religion thus deeply seated in the soul, diffused a sober dignity and a benign composure over his whole demeanour. His language was pure and guarded, free from all imprecations, oaths, and other irreverent expressions. But his piety was darkened by the bigotry of the age. He evidently concurred in the opinion that all the nations who did not acknowledge the Christian faith were destitute of natural rights; that the sternest measures might be used for their conversion, and the severest punishment inflicted upon their obstinacy in unbelief. In this spirit of bigotry he considered himself justified in making captives of the Indians, and transporting them to Spain to have them taught the doctrines of Christianity, and in selling them for slaves if they pretended to resist his invasions. He was countenanced in these views, no doubt, by the general opinion of the age. But it is not the intention of the author to justify Columbus on a point where it is inexcusable to err. Let it remain a blot on his illustrious name,—and let others derive a lesson from it.'

He was a man, too, undoubtedly, as all truly great men have been, of an imaginative and sensitive temperament—something, as Mr Irving has well remarked, even of a visionary—but a visionary of a high and lofty order, controlling his ardent imagination by a powerful judgment and great practical sagacity, and deriving not only a noble delight but signal accessions of knowledge from this vigour and activity of his fancy.

'Yet with all this fervour of imagination,' as Mr Irving has strikingly observed, 'its fondest dreams fell short of the reality. He died in ignorance of the real grandeur of his discovery. Until his last breath he entertained the idea that he had merely opened a new way to the old resorts of opulent commerce, and had discovered some of the wild regions of the east. He supposed Hispaniola to be the ancient Ophir which had been visited by the ships of Solomon, and that Cuba and Terra Firma were but remote parts of Asia. What visions of glory would have broke upon his mind could he have known that he had indeed discovered a new continent, equal to the whole of the old world in magnitude, and separated by two vast oceans from all the earth hitherto known by civilized man! And how would his magnanimous spirit have been consoled, amidst the afflictions of age and the cares of penury, the neglect of a fickle public, and the injustice of an ungrateful king, could he have anticipated the splendid empires which were to spread over the beautiful world he had discovered; and the nations, and tongues, and languages which were to fill its lands with his renown, and to revere and bless his name to the latest posterity!'

The appendix to Mr Irving's work, which occupies the greater part of the last volume, contains most of the original matter which his learning and research have enabled him to bring to bear on the principal subject, and constitutes indeed a miscellany of a singularly curious and interesting description. It consists, besides very copious and elaborate accounts of the family and descendants of Columbus, principally of extracts and critiques of the discoveries of earlier or contemporary navigators—the voyages of the Carthaginians and the Scandinavians,—of Behem, the Pinzons, Amerigo Vespucci, and others—with some very curious remarks on the travels of Marco Polo, and Mandeville—a dissertation on the ships used by Columbus and his contemporaries—on the Atalantis of Plato—the imaginary island of St Brandan, and of the Seven Cities—together with remarks on the writings of Peter Martyr, Oviedo, Herrera, Las Casas, and the other contemporary chroniclers of those great discoveries. The whole drawn up, we think, with singular judgment, diligence, and candour; and presenting the reader, in the most manageable form, with almost all the collateral information which could be brought to elucidate the transactions to which they relate.

Such is the general character of Mr Irving's book—and such are parts of its contents. We do not pretend to give any view whatever of the substance of four large historical volumes; and fear that the specimens we have ventured to exhibit of the author's way of writing are not very well calculated to do justice either to the occasional force, or the constant variety, of his style. But for judicious readers they will probably suffice—and, we trust,

will be found not only to warrant the praise we have felt ourselves called on to bestow, but to induce many to gratify themselves by the perusal of the work at large.

Mr Irving, we believe, was not in England when his work was printed: and we must say he has been very insufficiently represented by the corrector of the press. We do not recollect ever to have seen so handsome a book with so many gross typographical errors. In many places they obscure the sense—and are very frequently painful and offensive. It will be absolutely necessary that this be looked to in a new impression; and the author would do well to avail himself of the same opportunity, to correct some verbal inaccuracies, and to polish and improve some passages of slovenly writing.

Art. II.—*India; or Facts submitted to illustrate the Character and Condition of the Native Inhabitants, with Suggestions for Reforming the present System of Government.* By R. Rickards, Esq. Part I. pp. 116. London, 1828.

The benefits that were perceived to result from the division of employments, seem to have occasioned the institution of *Castes*, or the establishment of hereditary professions. The first legislators, struck as they must have been with the advantages derived from the division of labour, or from individuals confining themselves to particular occupations, and making them the principal or the exclusive business of their lives, would naturally be desirous of securing their continuance, and increasing their magnitude. And it would readily occur to minds too rude and inexperienced to trust to individual exertion and enterprize, or to the desire by which every one is animated, of improving his condition, for the advancement of society, that this object would be most effectually promoted, by enforcing the division of labour by legal enactments, and by giving a still further extension to its principle. To prevent the people from relapsing into the primæval barbarism whence they had emerged, the division of employments would be regulated by the authority of law; and hereditary professions, or castes, would be established as a means of securing and accelerating the advancement of society: For, at first sight, it would seem certain that if individuals were obliged to follow the professions of their fathers, their attention not being diverted to other objects, and all their energies being directed from their earliest years to that pursuit in the prose-

cution of which their lives were to be passed, they would attain to much greater proficiency in their respective callings, than could ever be expected when every one was allowed to choose a profession for himself, and to wander at pleasure from one thing to another. Had castes been found only in one or two countries, their establishment might have been ascribed to accident, or to the peculiar views of particular legislators. But castes have not, as has commonly been supposed, been confined to Egypt and India: On the contrary, they have extended to all Asia,* to Greece,† England,‡ and even America.§ Wherever, in short, we have authentic accounts of the early progress of society, we find that castes were established very soon after the first dawnings of civilization. But an institution so universally diffused must have originated in circumstances common to every people in an early stage of their progress. And it seems difficult to believe that these could be any other than the efforts of legislators to secure and extend the advantages resulting from the separation of employments.

When man has renounced the pastoral for the agricultural mode of life, and regular governments have been established, society may generally be divided into four great classes—the husbandmen or agriculturists, the artizans or handicraftsmen, the military or those intrusted with the defence of the state, and the clergy or ministers of religion. No society has ever made any material progress in the career of civilization, in which all the classes now mentioned might not be recognised. And it appears, accordingly, that wherever castes have been established, the people have been distributed into four grand divisions. Cecrops divided the inhabitants of Attica into four hereditary classes; and the same division was made in Egypt and India; and most probably also in Mexico and Peru.

But the expectations of those who imagined that, by distributing the people into tribes or castes, and rendering professions hereditary, the progress of civilization would be greatly accelerated, were not of a sort that could be realized. Instead of contributing to the advancement of the arts and sciences, the ten-

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* Goguet on the Origin of Laws, &c. Eng. Trans. vol. i. p. 43.

† Reynier de L'Economie Politique et Rurale des Grecs, p. 51.

‡ Millar's Historical View of the English Government, vol. i. p. 134, &c.

§ Carli, Lettres Americaines, quoted by the able author of the Art. Caste, in the Supplement to the Encyclopædia Britannica; who has referred to a variety of authorities to show the universality of the institution.

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dency of castes is undoubtedly to render them stationary, or to cause them to retrograde. Hereditary professions, in the first place, extinguish all emulation. In countries where the highest objects of ambition are open to the free competition of every individual, each endeavours to excel in his own peculiar sphere, in the expectation that it may be the means either of advancing himself or his relations to one that is more elevated. Take away the chance and the hope of rising in the world, and you instantly paralyze the exertions of every man, and extinguish that ambition which is the source of all that is great and elevated. It is, moreover, easy to see that hereditary professions are highly objectionable on other grounds. One trade might have an excess of hands, and in another they might be deficient; and yet, were the laws rigidly enforced, it would be impossible for an individual to transfer himself from the one to the other. Again, if hereditary professions do not absolutely extinguish all improvement, new discoveries must every now and then be giving birth to new arts; and how would it be possible to practise those in countries where every individual is already bound to prosecute a specified employment? Of what avail, for example, would the invention of printing have been to us, had there been no individuals to serve either as typefounders, compositors, or pressmen? Not only, however, do new arts arise, but many old ones cease to be practised, in the progress of society: and supposing professions were hereditary, what would become of the families who were the depositories of the decayed arts? But even if it were possible to obviate all these objections, still it would be unquestionably true, that hereditary professions must deprive society of the main advantage resulting from the division of labour,—namely, the power which it gives to every individual of applying himself in preference to such employments as are most congenial to his taste and disposition. It is, indeed, true, as Dr Robertson has observed, that the human mind bends to the law of necessity, and is accustomed to accommodate itself to the restraints imposed upon it.* But the artificial distinctions which would thus isolate one class or order of men from another, and enable a single tribe, or perhaps a few individuals, to engross every situation of power and emolument, to the exclusion of others, will not readily appear, to those who are debarred from all participation in such privileges, to originate in the nature of things, or to be defensible on any such obvious principle of general utility, as to make them acquiesce in their propriety. A class of

* Disquisition on Ancient India, p. 201. 8vo ed.

men, united by indissoluble ties, and attached from their infancy to one particular business, acquire a strongly marked *esprit du corps*, and regard every one else with mingled feelings of contempt, envy, and aversion. In a country where the distinction of castes was rigidly maintained, the inferior classes would look with a jealous and jaundiced eye on the greater wealth and comfort of those above them; while the higher classes would treat those below them as an abject and degraded race. Under such circumstances, there would be no communication, no relation; all would be separate, independent, and hostile. Society would be held together by no common tie of interest, sympathy, or affection; every germ of future improvement would be effectually destroyed; and so destructive would be the operation of the system, that it is not easy to suppose it could ever have been maintained for any considerable period in a perfect state. The distinction of castes in Attica, and other European countries, was very soon obliterated. It has been contended, indeed, that it was maintained inviolate in ancient Egypt until the invasion of Cambyses; but there does not seem to be any very good ground for this opinion. It is difficult to suppose that any people could have made so great a progress in the arts as the ancient Egyptians certainly did, had they been always subject to this institution. Its inevitable effect must have been to extinguish all invention; and yet it is certain that many inventions were made in Egypt, in periods posterior to the division of the people into castes. The most probable conclusion then seems to be, that as experience served to disclose the ruinous consequences of hereditary professions, the fetters they imposed would be relaxed; and that though the principal offices might continue to be engrossed by particular tribes, those on whom the discharge of the more ordinary duties had devolved, would gradually be intermixed, until, in process of time, the ancient distinctions were, in a great measure, effaced, and a sufficient supply of hands had been found to undertake and prosecute whatever new arts might arise.

But it is said, that whatever may have been the case elsewhere, the institution of castes has been inviolably maintained in India, from the earliest period to the present day. 'What 'is now in India, has,' we are assured, 'always been there, 'and is likely still to continue.'* The Hindoos of this day are said to be the same as the Hindoos of the age of Alexander the Great. The description of them given by Arrian, has been

* Robertson's Disquisition, p. 202.

quoted as applying to their actual situation. It is affirmed that they have neither improved nor retrograded; and we are referred to India as to a country in which the institutions and manners that prevailed three thousand years ago, may still be found in their pristine purity! The President de Goguet lays it down distinctly in his learned and invaluable work on the Origin of Laws, Arts, and Sciences, that in India 'every trade is 'confined to a particular caste, and can be exercised only by 'those whose parents professed it.'* Dr Robertson says, that '*the station of every Hindoo is unalterably fixed; his destiny is 'irrevocable; and the walk of life is marked out, from which he 'must never deviate.*'† The same opinions are maintained by later authorities. Dr Tennant says, that 'the whole Indian 'community is divided into four great classes; and each class 'is stationed between certain walls of separation, which are 'impassable by the purest virtue, and most conspicuous merit.'‡ This unalterable destiny of individuals has been repeatedly assumed in the despatches and official papers put forth by the East India Company; and has been referred to on all occasions by them and their servants, as a proof that the depressed and miserable condition of the natives is not owing to misgovernment, or to the weight of the burdens laid upon them; and that it is in vain to think of materially improving their condition, or of making them acquainted with new arts, or giving them new habits, so long as the institution of castes, and the prejudices to which it has given rise, preserve their ascendancy unimpaired.

But notwithstanding the universal currency which the opinions now referred to have obtained, and the high authority by which they are supported, they are, in all the most essential respects, entirely without foundation! The books and codes of the Hindoos themselves, and the minute and careful observations that have recently been made on Indian society, have shown that the influence ascribed to the institution of castes by the ancients, and by the more early modern travellers, has been prodigiously exaggerated. In the work now before us, Mr Rickards has established, partly by references to the authoritative books of the Hindoos, and partly by his own observations, and those of Mr Colebrook, Dr Heber, and other high authorities, that the vast majority of the Hindoo population may, and, in fact, does engage in all sorts of employments. Mr

* Origin of Laws, &c. Eng. Trans. vol. iii. p. 24.
† Disquisition on India, p. 199.
‡ Quoted by Mr Rickards, p. 6.

Rickards has farther shown, that there is nothing in the structure of Indian society to oppose any serious obstacle to the introduction of new arts, or the spread of improvement; and that the causes of the poverty and misery of the people must be sought for in other circumstances than the institution of castes, and the nature of Hindoo superstition.

The early division of the population into the four great classes of priests, (Brahmins,) soldiers, (Cshatryas,) husbandmen and artificers, (Vaisyas,) and slaves, (Sudras,) was maintained only for a very short period. The Hindoo traditions record that a partial intermixture of these classes took place at a very remote epoch; and the mixed brood thence arising were divided into a vast variety of new tribes, or castes, to whom, speaking generally, no employments are forbidden.

'The employments,' says Mr Rickards, 'allowed to these mixed and impure castes, may be said to be every description of handicraft, and occupation, for which the wants of human society have created a demand. Though many seem to take their names from their ordinary trade or profession, and some have duties assigned them too low, and disgusting, for any others to perform, but from the direst necessity; yet no employment, generally speaking, is forbidden to the mixed and impure tribes, excepting three of the prescribed duties of the sacerdotal class; viz. teaching the *Vedas*, officiating at a sacrifice, and receiving presents from a pure-handed giver; which three are exclusively *Brahminical*.'

Mr Colebrook, who is acknowledged on all hands to be one of the very highest authorities, as to all that respects Indian affairs, has a paper in the fifth volume of the Asiatic Researches on the subject of castes. In this paper, Mr Colebrook states that the *Jatimala*, a Hindoo work, enumerates *forty-two* mixed classes springing from the intercourse of a man of inferior class with a woman of a superior class, or in the *inverse* order of the classes. Now, if we add to these the number that must have sprung from intermixture in the *direct* order of the classes, and the hosts further arising from the continued intermixture of the mixed tribes amongst themselves; we shall not certainly be disposed to dissent from Mr Colebrook's conclusion, 'that 'the subdivisions of these classes have farther multiplied dis'tinctions to an *endless variety*.'

Mr Colebrook has given the following distinct and accurate account of the professions and employments of the several classes at the present day. It forms a curious commentary on the 'irrevocable destiny' of Dr Robertson, and the 'impassa'ble walls' of Dr Tennant.

'A *Brahman*, unable to subsist by his duties, may live by the duty of a soldier; if he cannot get a subsistence by either of these employ-

ments, he may apply to tillage and attendance on cattle, or gain a competence by traffic, avoiding certain commodities. A *Cshatrya* in distress, may subsist by all these means; but he must not have recourse to the highest functions. In seasons of distress a further latitude is given. The practice of medicine, and other learned professions, painting, and other arts, work for wages, menial service, alms, and usury, are among the modes of subsistence allowed both to the *Brahman* and *Cshatrya*. A *Vaisya*, unable to subsist by his own duties, may descend to the servile acts of a *Sudra*: and a *Sudra*, not finding employment by waiting on men of the higher classes, may subsist by handicrafts; principally following those mechanical operations, as joinery and masonry, and practical arts, as painting and writing, by which he may serve men of superior classes; and although a man of a lower class is in general restricted from the acts of a higher class, the *Sudra* is expressly permitted to become a trader, or a husbandman.

'Besides the particular occupation assigned to each of the mixed classes, they have the alternative of following that profession, which regularly belongs to the class, from which they derive their origin on the mother's side; those at least have such an option, who are born in the direct order of the classes. *The mixed classes are also permitted to subsist by any of the duties of a Sudra, that is, by menial service, by handicrafts, by commerce, and by agriculture.* Hence it appears, THAT ALMOST EVERY OCCUPATION, THOUGH REGULARLY IT BE THE PROFESSION OF A PARTICULAR CLASS, IS OPEN TO MOST OTHER CLASSES; and that the limitations, far from being rigorous, do in fact reserve only the peculiar profession of the *Brahman*, which consists in teaching the *Veda*, and officiating at religious ceremonies.'

'We have thus,' says Mr Rickards, 'the highest existing authority for utterly rejecting the doctrine of the whole Hindoo community "being divided into four castes;" and of their peculiar prerogatives being guarded inviolate by "impassable walls of separation." It is also clear, that the intermixture of castes had taken place, to an indefinite extent, at the time when the *Dherma Sastra* was composed, which Sir William Jones computes to be about 880 years B. C.; for the mixed classes are specified in this work, and it also refers, in many places, to past times; and to events, which a course of time only could have brought about. The origin of the intermixture is therefore lost in the remotest and obscurest antiquity; and having been carried on through a long course of ages, a heterogeneous mass is everywhere presented to us, in these latter times, without a single example in any particular state, or kingdom, or separate portion of the Hindoo community, of that quadruple division of castes, which has been so confidently insisted upon.

'I have myself seen carpenters of five or six different castes, and as many different bricklayers, employed on the same building. The same diversity of castes may be observed among the craftsmen in dock-yards, and all other great works; and those, who have resided for any time in the principal commercial cities of India, must be sensible, that every increasing demand for labour, in all its different branches and varieties, of old and new arts, has been speedily and effectually supplied, in spite of the tremendous institution of castes; which we are taught to believe

forms so impassable an obstruction to the advancement of Indian industry.'

The supposed unalterable simplicity of the Hindoo habits, their aversion from flesh meat, and their imagined contempt for or aversion to the productions, arts, customs, and habits of other countries, are circumstances that have been dwelt upon by almost all writers on Indian affairs, and by the modern rulers of India, as opposing the most formidable obstacles to any attempts at melioration or change. The Court of Directors, in a Report published by them in 1813, for the information of the proprietors, quote with much approbation a passage of Montesquieu, where it is stated, 'The climate of India neither 'requires nor permits the natives to use almost any of our 'commodities. Accustomed to go almost naked, the country 'furnishes them with the scanty commodities they wear; and 'their religion, to which they are in absolute subjection, instils 'into them an aversion to that sort of food which we consume. 'They, therefore, need nothing from us but our metals. Ancient 'authors, who have written upon India, represent the country 'such as we now find it, as to police, manners, and morals. '*India has always been, and India always will be, what it now is;* 'and those who trade to India, will carry money thither, and 'bring none back.'* After making this quotation, the Court go on to say, 'May not the attention of manufacturers of woollens, metals, cotton fabrics, potteries, &c. be still called to the 'habits of the Indian people, the bulk of whom live all their 'days upon rice, and go only half-covered with a slight cotton 'cloth,—the rice and cotton both produced by their own soil? 'The earnings of the common labouring classes, and consequently their expenses, may be estimated, on an average, not 'to exceed L.4, 10s. per man, per annum. They are indolent 'by nature, frugal by habit, under manifold religious restrictions. What demand for the manufactures of Europe is to be 'expected from them?' And the same doctrines have been repeated in a thousand different shapes, and were given in evidence by the late Sir Thomas Monro and others, at the bar of the House of Commons, when the charter was renewed in 1813, to show the fallacy of the expectations entertained by the advocates of free trade. It is pleasing, however, to have to state, that

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* Esprit des Loix, liv. xxi. chap. 1. The Directors have a peculiar talent for quotation, though they sometimes forget to refer to authorities. We beg to thank them for the honour they have done us, in transferring some of our paragraphs to their despatches.

notwithstanding these sinister auguries, and notwithstanding the restraints laid on private enterprise, the official accounts of the exports and imports to and from India and China, since 1814, show that the exports by private traders to India alone, are *more than double* the Company's exports to India and China together; and that the whole of the private trade to India alone, exceeds the whole of the Company's trade to India and China together, by about one million sterling per annum!

The real truth is, that the unalterable simplicity of the Hindoo habits is about as imaginary as their 'irrevocable destiny' to the professions of their fathers. The condition of the common people is so very depressed, that they are, in most instances, obliged to support themselves by living exclusively on the cheapest sort of food; but it is their *poverty*, and not their *will*—the situation in which they are placed, and not the influence of religion or habit, that makes them live on rice and water.

The Brahmins entertain a superstitious aversion to the flesh of cattle; but, when they can obtain them, they daily consume all other sorts of meat and fish.

'It is true,' says Mr Rickards, 'that owing to their poverty, grain, and other vegetables, constitute the common food of the great bulk of the people of India; but it is an error to suppose that nature, in that climate, permits not the use of animal food, or that the religion of the people requires them to abstain from it; and it is surprising that a prejudice should have gained so much credit and currency, in the western world, when the European residents in India have had almost daily proofs before their eyes of its being absolutely belied by the ordinary practice of Mussulmans, Portuguese, &c., and even of the Hindoos themselves.

'It has been already observed how very conveniently the castes, prejudices, and religion of the Hindoos serve, in difficult encounters, to repel attacks upon the Indian system. Upon all occasions, too, where these formidable allies are called forth, and arrayed for the contest, it is customary to argue, as if the whole population of India were Hindoo; the fifteen millions or more of other inhabitants, who have neither caste, nor aversion, (save that of the Mussulman to pork,) being placed *hors de combat*, and as much overlooked, as if they belonged to another world.

'But in a question of this nature, so large a mass of the Indian population must not be neglected. In the first place, then, we have from fifteen to twenty millions of persons, whose use of animal food is avowedly habitual; and as free from religious denunciation (with the exception above noticed) as our own; whose appetite for every description of sensual gratification is almost proverbial; and whose monuments of former grandeur prove that their taste for luxuries, when their means were more ample, were not despicably indulged. To this very numerous portion of the community, the arguments deduced from assumed simplicity of food and habits, are therefore utterly inapplicable. Their expensive

and luxurious inclinations never have been denied. Examples, to be sure, are fewer in these than in former times; but, in the present fallen state of their fortunes, they continue to display the same propensities, tastes, and appetites, which characterised more extensively the age of their richer fathers.

'The mixed tribes of Hindoos, composing the great mass of the Hindoo population, are *certainly under no legal restraints in this respect.* Accordingly, the higher classes who can afford it consume meat daily. Many, it is true, from affectation of Brahminical purity, content themselves with simpler food; and some may be supposed, as in other countries, to prefer it; but the custom of eating animal food is so general, as for example, in Bombay, that a public bazaar or market-place, is there set apart for the convenience of the Hindoos, in which mutton, kid, lamb, and fish, are daily sold for Hindoo consumption. It is situated in a separate quarter of the town from that in which meat is sold for the use of the Europeans, and Mussulmans; because in the latter, the flesh of oxen, and cows, and beef calves, killed by low caste people, being exposed, is offensive to Hindoo superstition. I have a personal knowledge of Hindoo families of wealth and respectability, persons, indeed, who claim descent from the second or Cshatrya caste, in which the meats and fish furnished in this bazaar enter into their ordinary and daily meals.

'The Indian seas abound with fish; and the coasts of India, for many thousand miles in extent, are lined with fishermen, who all eat animal food. It has often been remarked that no towns or villages are so populous, in proportion to their extent, as those occupied by fishermen; and the quantities of fish cured on the coast, to be afterwards conveyed for consumption into the interior of the country, is immense. The palankeen bearers are Hindoos, mostly fishermen; and no man, who has kept a palankeen in India, but knows the thankfulness with which his bearers receive a present of a sheep or goat, and the good appetite with which they immediately feast upon it. The Hindoos are in many parts addicted to hunting, and eat wild hog, venison, and other descriptions of game.

'There are, besides, other low castes, such as *Dheras, Halalcores, Chandalas, Mochees*, and other denominations, who, being found all over India, consequently constitute in the aggregate a numerous body, and who are so fond of meat, as in their state of degradation and poverty, actually to devour carrion with great avidity, when they can get nothing better. To these may be added another race, also spread over the face of the country, who live by entrapping wild animals and birds; and are exceedingly expert in their calling. In *Guzerat* this tribe are called *Vagrees* or *Wagrees*, and they avowedly eat the flesh of every bird and beast, without distinction—whether killed, or dying a natural death.

'To these instances many more might be added; but it is perhaps of more importance in the present question, to prove that the higher classes of the Hindoos are not prohibited the use of animal food. It has accordingly been shown that, with habitual or acquired objections to the flesh of cattle, *they consume other animal meats daily, where they*

have the means of so doing; and the fair inference from the preceding facts is, that poverty is the only check to a more extended use of this food, which, with the progress of wealth, might consequently become universal, or be only limited by the prejudices of the priesthood, who may always be expected to give to their habits a cast of mysterious peculiarity and self-denial, to excite more effectually the reverence and admiration of the vulgar.'

If any additional testimony had been wanting to prove the fallacy of the opinions so generally entertained with respect to the immutable castes and habits of the Hindoos, it would be found in the lately published Journal of Bishop Heber. Every one who has looked into this work, must be deeply impressed with admiration of the good sense, the calm discriminating judgment, and the truly benevolent feelings of its learned and amiable author. In describing the condition of the natives of India, Dr Heber has not trusted to the reports of others, but has told what he himself saw and carefully examined. The testimony of such a witness is invaluable. He had peculiar opportunities of observation; and his candour and discrimination are too conspicuous, to allow us to entertain any doubts with respect to the authenticity of his statements. Such being the high and deserved character of Dr Heber's work, we think Mr Rickards did right in extracting from it some of the more prominent passages, bearing on the subjects he had been discussing. The trouble of reference to two large volumes is thus avoided; and the passages, when brought together, and their incidence on the different questions pointed out, are calculated to have greater weight than might be attached to them by the mass of ordinary readers, engaged in the perusal of Dr Heber's work. We shall subjoin a few of these extracts.

And first, as to the food of Hindoos, and the allegation that they are compelled 'to live wholly upon rice.' Dr Heber observes:—

'The caste of fishermen does not rank high, though fish is considered as one of the purest and most lawful kinds of food. *Nothing, indeed, seems more generally mistaken than the supposed prohibition of animal food to the Hindoos.* It is not from any abstract desire to spare the life of living creatures, since fish would be a violation of this principle as well as beef, but from other notions of the hallowed or polluted nature of particular viands. Thus many Brahmins eat both fish and kid. The Rajepoots, besides these, eat mutton, venison, or goat's flesh. Some castes may eat any thing but fowls, beef, or pork, while pork is with others a favourite diet, and beef only is prohibited.' (Journal, vol. i. p. 7.)

'We have all heard of the humanity of the Hindoos towards brute creatures, their horror of animal food, &c.; and you may be perhaps as much surprised as I was, to find that *those who can afford it are hardly*

less carnivorous than ourselves; that even the purest Brahmins eat mutton and venison; that fish is permitted to many castes, and pork to many others.' (Vol. ii. p. 306.)

'I had always heard and fully believed till I came to India, that it was a grievous crime, in the opinion of the Brahmins, to eat the flesh or shed the blood of any living creature whatever. I have myself seen Brahmins of the highest caste cut off the head of goats as a sacrifice to *doorga;* and I know from the testimony of Brahmins, as well as from other sources, that not only hecatombs of animals are often offered in this manner, as a most meritorious act; (a raja, about twenty-five years back, offered sixty thousand in one fortnight;) but that any person, Brahmins not excepted, eats readily of the flesh of whatever has been offered up to one of their divinities, while among almost all the other castes, mutton, pork, venison, fish, any thing but beef and fowls, are consumed as readily as in Europe.' (Vol. ii. p. 379.)

Let the reader next compare the following paragraphs with the statements as to the alleged immutability of Hindoo habits; as to their being doomed to go 'half-covered with a slight cot-'ton cloth;' and as to their demand for European articles being confined, as was stated by Sir Thomas Monro, in his evidence before the House of Commons, to a 'few penknives, scissars, 'and spectacles.'

'Nor have the religious prejudices, and the unchangeableness of the Hindoo habits, been less exaggerated. Some of the best informed of their nation, with whom I have conversed, assure me, that half their most remarkable customs of civil and domestic life are borrowed from their Mahommedan conquerors; and *at present there is an obvious and increasing disposition to imitate the English in every thing,* which has already led to very remarkable changes, and will, probably, to still more important. The wealthy natives now all affect to have their houses decorated with Corinthian pillars, and filled with English furniture; they drive the best horses and the most dashing carriages in Calcutta; many of them speak English fluently, and are tolerably read in English literature; and the children of one of our friends I saw one day dressed in jackets and trowsers, with round hats, shoes and stockings. In the Bengalee newspapers, of which there are two or three, politics are canvassed with a bias, as I am told, inclining to Whiggism; and one of their leading men gave a great dinner, not long since, in honour of the Spanish revolution—among the lower orders the same feeling shows itself more beneficially in a growing neglect of caste.' (Vol. ii. p. 306.)

'To say that the Hindoos or Mussulmans are deficient in any essential feature of a civilized people, is an assertion which I can scarcely suppose to be made by any who have lived with them; their manners are, at least, as pleasing and courteous as those in the corresponding stations of life among ourselves; their houses are larger, and, according to their wants and climate, to the full as convenient as ours;—their architecture is at least as elegant;—nor is it true that in the mechanic arts, they are inferior to the general run of European nations. Where they fall short of us, (which is chiefly in agricultural implements, and

the mechanics of common life,) they are not, so far as I have understood of Italy, and the South of France, surpassed in any degree by the people of those countries. Their goldsmiths and weavers produce as beautiful fabrics as our own; and it is so far from true that they are obstinately wedded to their old patterns, that they show an anxiety to imitate our models, and do imitate them very successfully. The ships built by native artists at Bombay are notoriously as good as any which sail from London or Liverpool. The carriages and gigs which they supply at Calcutta are as handsome, though not as durable, as those of Long Acre. In the little town of Monghyr, 300 miles from Calcutta, I had pistols, double-barrelled guns, and different pieces of cabinet work, brought down to my boat for sale, which in outward form (for I know no further) nobody but perhaps Mr ——— could detect to be of Hindoo origin; and at Delhi, in the shop of a wealthy native jeweller, I found brooches, ear-rings, snuff-boxes, &c. of the latest models (so far as I am a judge,) and ornamented with French devices and mottos.' (Vol. ii. p. 382.)

As Bishop Heber penetrated into the interior of India, he found the same taste as in Calcutta, for European articles and for luxuries, to prevail everywhere among the natives. Of Benares, he writes as follows:—

'But what surprised me still more, as I penetrated further into it, were the large, lofty, and handsome dwelling-houses, the beauty and apparent richness of the goods exposed in the bazaars, and the evident hum of business. Benares is in fact a very industrious and wealthy, as well as a very holy city. It is the great mart where the shawls of the north, the diamonds of the south, and the muslins of Dacca and the eastern provinces centre; and it has very considerable silk, cotton, and fine woollen manufactories of its own; while English hardware, swords, shields, and spears, from Lucknow and Monghyr, and *those European luxuries and elegancies which are daily becoming more popular in India*, circulate from hence through Bundlecund, Gorruckpoor, Nepaul, and other tracts which are removed from the main artery of the Ganges.' (Vol. i. p. 289.)

Proceeding still further into the interior of the country, and when at Nusseerabad, distant above 1000 miles from Calcutta, the Bishop continues his journal in the same strain, viz.

'European articles are, at Nusseerabad,* as might be expected, very dear; the shops are kept by a Greek and two Parsees from Bombay: they had in their list all the usual items of a Calcutta warehouse. English cotton cloths, both white and printed, are to be met with commonly in wear among the people of the country, and may, I learned to my surprise, be bought best and cheapest, as well as all kinds of hardware, crockery, writing-desks, &c. at Pallee, a large town and celebrated mart in Marwar, on the edge of the desert, several days' journey west of

* Nusseerabad, near Ajmere, in the heart of the Rajepoot country.

Joudpoor, where, till very lately, no European was known to have penetrated.' (Vol. ii. p. 36.)

As to the character of the Hindoos, their capacity, and even anxious desire for improvement, the Bishop's testimony is equally clear and decided; and as this is a point of pre-eminent importance, the reader's attention is requested to the following statements.

'In the schools which have been lately established in this part of the empire, of which there are at present nine established by the Church Missionary, and eleven by the Christian Knowledge Societies, some very unexpected facts have occurred. As all direct attempts to convert the children are disclaimed, the parents send them without scruple. But it is no less strange than true, that there is no objection made to the use of the Old and New Testament as a class-book; that so long as the teachers do not urge them to eat what will make them lose their caste, or to be baptized, or to curse their country's gods, they readily consent to every thing else; and not only Mussulmans, but Brahmins, stand by with perfect coolness, and listen sometimes with apparent interest and pleasure, while the scholars, by the road side, are reading the stories of the creation and of Jesus Christ.' (Vol. ii. p. 290.)

'Hearing all I had heard of the prejudices of the Hindoos and Mussulmans, I certainly did not at all expect to find that the common people would, not only without objection, but with the greatest thankfulness, send their children to schools on Bell's system; and they seem to be fully sensible of the advantages conferred by writing, arithmetic, and, above all, by a knowledge of English. There are now in Calcutta, and the surrounding villages, twenty boys' schools containing 60 to 120 each; and twenty-three girls', each of 25 or 30.' (Vol. ii. p. 300.)

'Though instances of actual conversion to Christianity, are, as yet, very uncommon, yet the number of children, both male and female, who are now receiving a sort of Christian education, reading the New Testament, repeating the Lord's prayer and Commandments, and all with the consent, at least without the censure of their parents or spiritual guides, have increased during the last two years, to an amount which astonishes the old European residents, who were used to tremble at the name of a missionary, and shrink from the common duties of Christianity, lest they should give offence to their heathen neighbours. So far from that being a consequence of the zeal which has been lately shown, many of the Brahmins themselves express admiration of the morality of the Gospel, and profess to entertain a better opinion of the English since they have found that they too have a religion and a Shaster. All that seems necessary for the best effects to follow is, to let things take their course, to make the missionaries discreet, to keep the government as it now is, strictly neuter, and to place our confidence in a general diffusion of knowledge, and in making ourselves really useful to the temporal as well as spiritual interests of the people among whom we live. In all these points there is indeed great room for improvement. I do not by any means assent to the pictures of depravity and general worthlessness which some have drawn of the Hindoos. They are decidedly, by nature,

a mild, pleasing, and intelligent race; sober, parsimonious, and where an object is held out to them, most industrious and persevering.' (Vol. ii. p. 307.)

'Of the people, so far as their natural character is concerned, I have been led to form, on the whole, a very favourable opinion. They have, unhappily, many of the vices arising from slavery, from an unsettled state of society, and immoral and erroneous systems of religion. But they are men of high and gallant courage, courteous, intelligent, and most eager after knowledge and improvement, with a remarkable aptitude for the abstract sciences, geometry, astronomy, &c., and for the imitative arts, painting and sculpture. They are sober, industrious, dutiful to their parents, and affectionate to their children, of tempers almost uniformly gentle and patient, and more easily affected by kindness and attention to their wants and feelings than almost any men whom I have met with.' (Vol. ii. p. 369.)

'One fact indeed during this journey has been impressed on my mind very forcibly, that the character and situation of the natives of these great countries are exceedingly little known, and in many instances grossly misrepresented, not only by the English public in general, but by a great proportion of those also, who, though they have been in India, have taken their views of its population, manners, and productions from Calcutta, or at most from Bengal.' (Vol. ii. p. 379.)

'In the same holy city, (Benares,) I visited another college, founded lately by a wealthy Hindoo banker, and intrusted by him to the management of the Church Missionary Society, in which, besides a grammatical knowledge of the Hindoostanee language, as well as Persian and Arabic, the senior boys could pass a good examination in English grammar, in Hume's History of England, Joyce's Scientific Dialogues, the use of the globes, and the principal facts and moral precepts of the Gospel, most of them writing beautifully in the Persian, and very tolerably in the English character, and excelling most boys I have met with in the accuracy and readiness of their arithmetic.' (Vol. ii. p. 388.)

'The different nations which I have seen in India, (for it is a great mistake to suppose that all India is peopled by a single race, or that there is not as great a disparity between the inhabitants of Guzerat, Bengal, the Dooab, and the Deckan, both in language, manners, and physiognomy, as between any four nations in Europe,) have of course, in a greater or lesser degree, the vices which must be expected to attend on arbitrary government, a demoralizing and absurd religion, and (in all the independent states, and in some of the districts which are partially subject to the British) a laxity of law, and an almost universal prevalence of intestine feuds and habits of plunder. Their general character, however, has much which is extremely pleasing to me; they are brave, courteous, intelligent, and most eager after knowledge and improvement, with a remarkable talent for the sciences of geometry, astronomy, &c. as well as for the arts of painting and sculpture. In all these points they have had great difficulties to struggle with, both from the want of models, instruments, and elementary instruction; the indisposition, or rather the horror, entertained, till lately, by many among their European masters, for giving them instruction of any kind; and now from

the real difficulty which exists of translating works of science into languages which have no corresponding terms. More has been done, and more successfully, to obviate these evils in the Presidency of Bombay, than in any part of India I have yet visited, through the wise and liberal policy of Mr Elphinstone, to whom this side of the Peninsula is also indebted for some very important and efficient improvements in the administration of justice, and who, both in amiable temper and manners, extensive and various information, acute good sense, energy, and application to business, is one of the most extraordinary men, as he is quite the most popular governor, that I have fallen in with.' (Vol. ii. pp. 409-10.

These extracts have extended to a greater length than we anticipated; but we are quite sure that our readers will require no apology for having had them brought under their notice. They afford the most convincing proofs of the soundness of the proposition advanced by Mr Colebrook and Mr Rickards, that there is nothing in the nature of Indian society, in the institution of castes, as now existing, or in the habits or customs of the natives, to hinder them from advancing in civilization and wealth.

It is needless, after what we have already stated, to direct the attention of our readers to Mr Rickards' work. Interesting and valuable, however, as the Part now before us undoubtedly is, we expect that those parts in which Mr Rickards proposes to discuss the Revenue Systems, acted upon in India, and the influence of the Company's commercial and political monopoly, will have still higher claims to attention. There are few so well qualified as Mr Rickards for the discussion of these important questions, or to whose labours we should look forward with higher expectations.

ART. III.—*The Fall of Nineveh, a Poem.* By EDWIN ATHERSTONE. The First Six Books. 8vo. Pp. 288. London, 1828.

WE have been rather in an odd state for some years, we think, both as to Poets and Poetry. Since the death of Lord Byron, there has been no king in Israel; and none of his former competitors now seem inclined to push their pretensions to the vacant throne. Scott, and Moore, and Southey, appear to have nearly renounced verse, and finally taken service with the Muses of prose;—Crabbe, and Coleridge, and Wordsworth, we fear, are burnt out;—and Campbell and Rogers repose under their laurels, and, contented each with his own elegant little domain, seem but little disposed either to extend its boundaries, or to

add new provinces to their rule. Yet we cannot say either that this indifference may be accounted for by the impoverished state of the kingdom whose sovereignty is thus in abeyance, or that the *interregnum* has as yet given rise to any notable disorders. On the contrary, we do not remember a time when it would have been a prouder distinction to be at the head of English poetry, or when the power which every man has to do what is good in his own eyes, seemed less in danger of being abused. Three poets of great promise have indeed been lost, 'in the morn and 'liquid dew of their youth'—in Kirke White, in Keats, and in Pollok; and a powerful, though more uncertain genius extinguished, less prematurely, in Shelley. Yet there still survive writers of great talents and attraction. The elegance, the tenderness, the feminine sweetness of Felicia Hemans—the classical copiousness of Milman—the facility and graceful fancy of Hunt, though defrauded of half its praise by carelessness and presumption—and, besides many others, the glowing pencil and gorgeous profusion of the author more immediately before us.

There is no want, then, of poetry among us at the present day; nor even of very good and agreeable poetry. But there are no miracles of the art—nothing that marks its descent from 'the highest heaven of invention'—nothing visibly destined to inherit immortality. Speaking very generally, we would say, that our poets never showed a better or less narrow taste, or a juster relish of what is truly excellent in the models that lie before them, and yet have seldom been more deficient in the powers of creative genius; or rather, perhaps, that with an unexampled command over the raw materials of poetry, and a true sense of their value, they have rarely been so much wanting in the skill to work them up to advantage—in the power of attaching human interests to sparkling fancies, making splendid descriptions subservient to intelligible purposes, or fixing the fine and fugitive spirit of poetry in some tangible texture of exalted reason or sympathetic emotion. The improvement in all departments is no doubt immense, since the days when Hoole and Hayley were thought great poets. But it is not quite clear to us, that the fervid and florid Romeos of the present day, may not be gathered, in no very long course of years, to the capacious tomb of these same ancient Capulets. They are but shadows, we fear, that have no independent or substantial existence—and though reflected from grand and beautiful originals, have but little chance to maintain their place in the eyes of the many generations by whom those originals will yet be worshipped—but who will probably prefer, each in their turn, shadows of their own creating.

The present age, we think, has an hundred times more poetry,

and more true taste for poetry, than that which immediately preceded it,—and of which, reckoning its duration from the extinction of the last of Queen Anne's wits down to about thirty odd years ago, we take leave to say that it was, beyond all dispute, the most unpoetical age in the annals of this or any other considerable nation. Nothing, indeed, can be conceived more dreary and sterile than the aspect of our national poetry from the time of Pope and Thomson, down to that of Burns and Cowper. With the exception of a few cold and scattered lights—Gray, Goldsmith, Warton, Mason, and Johnson—men of sense and eloquence occasionally exercising themselves in poetry out of scholar-like ambition, but not poets in any genuine sense of the word —the whole horizon was dark, silent, and blank; or only presented objects upon which it is now impossible to look seriously without shame.* These were the happy days of Pye and Whitehead—of Hoole and of Hayley—and then, throughout the admiring land, resounded the mighty names of Jerningham and Jago, of Edwards, of Murphy, of Moore, and of others whom we cannot but feel it is a baseness to remember.

The first man who broke 'the numbing spell' was Cowper, —(for Burns was not generally known till long after,)—and, though less highly gifted than several who came after him, this great praise should always be remembered in his epitaph. He is entitled, in our estimation, to a still greater praise; and that is, to the praise of absolute and entire originality. Whatever he added to the resources of English poetry, was drawn directly from the fountains of his own genius, or the stores of his own observation. He was a copyist of no style—a restorer of no style; and did not, like the eminent men who succeeded him, merely recall the age to the treasures it had almost forgotten, open up anew a vein that had been long buried in rubbish, or revive a strain which had already delighted the ears of a more aspiring generation. That this, however, was the case with the poets who immediately followed, cannot, we think, be reasonably doubted; and the mere statement of the fact, seems to us sufficiently to explain the present state of our poetry—its strength and its weakness—its good taste and its deficient power—its resemblance to works that can never die—and its own obvious liability to the accidents of mortality.

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* We ought, perhaps, to have made an exception for Aikenside, who, though often weak and pedantic, has passages of powerful poetry—and for Collins, a great master of fine and delicate diction, though poor in thought and matter. But we will make none for Churchill or Shenstone.

It has advanced beyond the preceding age, simply by going back to one still older; and has put *its* poverty to shame only by unlocking the hoards of a remoter ancestor. It has reformed merely by restoring; and innovated by a systematic recurrence to the models of antiquity. Scott went back as far as to the Romances of Chivalry; and the poets of the lakes to the humbler and more pathetic simplicity of our early ballads; and both, and all who have since adventured in poetry, have drawn, without measure or disguise, from the living springs of Shakspeare and Spenser, and the other immortal writers who adorned the glorious era of Elizabeth and James.

It is impossible to value more highly than we do the benefits of this restoration. It is a great thing to have rendered the public once more familiar with these mighty geniuses—and, if we must be copyists, there is nothing certainly that deserves so well to be copied. The consequence, accordingly, has been, that, even in our least inspired writers, we can again reckon upon freedom and variety of style, some sparks of fancy, some traits of nature, and some echo, however feeble, of that sweet melody of rhythm and of diction, which must linger for ever in every ear which has once drank in the music of Shakspeare; while, in authors of greater vigour, we are sure to meet also with gorgeous descriptions and splendid imagery, tender sentiments expressed in simple words, and vehement passions pouring themselves out in fearless and eloquent declamation.

But with all this, it is but too true that we have still a feeling that we are glorying but in secondhand finery and counterfeit inspiration; and that the poets of the present day, though they have not only Taste enough to admire, but skill also to imitate, the great masters of an earlier generation, have not inherited the Genius that could have enabled them either to have written as they wrote, or even to have come up, without their example, to the level of their own imitations. The heroes of our modern poetry, indeed, are little better, as we take it, than the heroes of the modern theatres—attired, no doubt, in the exact costume of the persons they represent, and wielding their gorgeous antique arms with an exact imitation of heroic movements and deportment—nay, even evincing in their tones and gestures, a full sense of inward nobleness and dignity—and yet palpably unfit to engage in any feat of actual prowess, and incapable, in their own persons, even of conceiving what they have been so well taught to personate. We feel, in short, that our modern poetry is substantially derivative, and, as geologists say of our present earth, of secondary formation—made up of the *debris* of a former world,

and composed, in its loftiest and most solid parts, of the fragments of things far more lofty and solid.

The consequence, accordingly, is, that we have abundance of admirable descriptions, ingenious similitudes, and elaborate imitations—but little invention, little direct or overwhelming passion, and little natural simplicity. On the contrary, every thing almost now resolves into description,—descriptions not only of actions and external objects, but of characters, and emotions, and the signs and accompaniments of emotion—and all given at full length, ostentatious, elaborate, and highly finished, even in their counterfeit carelessness and disorder. But no sudden unconscious bursts, either of nature or of passion—no casual flashes of fancy, no slight passing intimations of deep but latent emotions, no rash darings of untutored genius, soaring proudly up into the infinite unknown! The chief fault, however, is the want of subject and of matter—the absence of real persons, intelligible interests, and conceivable incidents, to which all this splendid apparatus of rhetoric and fancy may attach itself, and thus get a purpose and a meaning, which it never can possess without them. To satisfy a rational being, even in his most sensitive mood, we require not only a just representation of passion in the abstract, but also that it shall be embodied in some individual person whom we can understand and sympathize with—and cannot long be persuaded to admire splendid images and ingenious allusions which bear upon no comprehensible object, and seem to be introduced for no other purpose than to be admired.

Without going the full length of the mathematician, who could see no beauty in poetry because it *proved* nothing, we cannot think it quite unreasonable to insist on knowing a little what it is about; and must be permitted to hold it a good objection to the very finest composition, that it gives us no distinct conceptions, either of character, of action, of passion, or of the author's design in laying it before us. Now this, we think, is undeniably the prevailing fault of our modern poets. What they do best is description—in a story certainly they do not excel—their pathos is too often overstrained and rhetorical, and their reflections mystical and bombastic. The great want, however, as we have already said, is the want of solid subject, and of persons who can be supposed to have existed. There is plenty of splendid drapery and magnificent localities—but nobody to put on the one, or to inhabit and vivify the other. Instead of living persons, we have commonly little else than mere puppets or academy figures—and very frequently are obliged to be contented with scenes of still life altogether—with gorgeous dresses tossed into glittering heaps, or suspended in dazzling files—and enchanted

solitudes, where we wait in vain for some beings like ourselves, to animate its beauties with their loves, or to aggravate its horrors by their contentions.

The consequence of all this is, that modern poems, with great beauty of diction, much excellent description, and very considerable displays of taste and imagination, are generally languid, obscure, and tiresome. Short pieces, however, it should be admitted, are frequently very delightful—elegant in composition, sweet and touching in sentiment, and just and felicitous in expressing the most delicate shades both of character and emotion. Where a single scene, thought, or person, is to be represented, the improved taste of the age, and its general familiarity with beautiful poetry, will generally ensure, from our better artists, not only a creditable, but a very excellent production. What used to be true of *female* poets only, is now true of all. We have not wings, it would seem, for a long flight—and the larger works of those who pleased us most with their small ones, scarcely ever fail of exhibiting the very defects from which we should have thought them most secure—and turn out insipid, verbose, and artificial, like their neighbours. In little poems, in short, which do not require any choice or management of subject, we succeed very well; but where a story is to be told, and an interest to be sustained, through a considerable train of incidents and variety of characters, our want of vigour and originality is but too apt to become apparent; and is only the more conspicuous from our skilful and familiar use of that inspired diction, and those poetical materials which we have derived from the mighty masters to whose vigour and originality they were subservient, and on whose genius they waited but as 'servile ministers.'

We are afraid we cannot make an exception from these general censures in favour of the author before us; and are constrained, indeed, to say, that we conceive their introduction on this occasion to be mainly justified by their peculiar application to his case. In saying this, however, it is but fair to add, that we think he exemplifies what is excellent in modern poetry fully more conspicuously than what is bad; and may be considered on the whole as a favourable specimen of the existing generation. He is copious, melodious, and emphatic; his style is gorgeous and flowing, his descriptions magnificent—his banquets and revelries breathe the very air of splendid voluptuousness, and his scenes of battle and council are full of solemnity and ardour. Yet, with all this, the poem palls upon us; and we are cloyed with its sweetness, satiated with its magnificence, and stunned with its energy, long before we get through 'the first six books,'

which are all that are yet before us. This is owing partly to the very palpable excess in which the author employs all those elements of pleasing; but chiefly, we think, to the disproportion which those ornaments of the scene bear to its actual business, to the slowness with which the story moves forward, and the difficulty we have in catching a distinct view of the characters that are presented to us, through the glare of imagery and eloquence with which they are surrounded. The author, in fact, is everywhere incumbered with the weight of his magnificence, and retarded by the long pomp by which he is continually attended. There is no rapidity of movement, no naked transparency of diction, no pregnant brevity or simple directness of statement—a single battle rages over nearly an hundred close-printed pages, and the glorious luxuries of the king are reflected on us from at least twenty brilliant passages. This long battle, indeed, and these endless luxuries, actually fill up the volume before us; and form the whole argument of the six large books of which it consists. The rest is all 'pomp and circumstance,' and in this, as we have already hinted, the author revels with more than a poetic prodigality. We do not, indeed, recollect of any European writer who has carried the license of exaggeration so far. The subject, we suppose, must be his apology. In treating of the downfall of an Asiatic empire, he has caught something of the extravagance of the Oriental imagination. Except in the palace of Aladdin, we do not know where to look for any parallel to the splendour of Sardanapalus. The magnificence and numbers of the conflicting hosts are on a scale equally gigantic. When the battle languishes, a certain general is ordered to charge with an hundred thousand horse, while thirty thousand chariots make a diversion on the other wing; and Salamenes at last moves forward with a small reserve of three hundred thousand infantry. Then Arbaces the Mede is a full cubit taller than the tall priest who fights beside him; and each of the more considerable warriors deals more deaths than Achilles and Hector put together, and knocks down horses and shivers brazen chariots to pieces with a single blow—while the lightning blazes and the thunder volleys above the cloud of carnage, and the tide of victory fluctuates over the reeking plain, through many thousand most heroic verses, till the reader is fairly giddy with the tumult, and exhausted by the long-protracted agony.

It is but fair, however, to let Mr Atherstone speak a little for himself; and no specimen of his manner can be fairer than the following extract from his exordium.

'The vision comes upon me!—To my soul
The days of old return;—I breathe the air

Of the young world;—I see her giant sons.
Like to a gorgeous pageant in the sky
Of summer's evening, cloud on fiery cloud
Thronging upheap'd,—before me rise the walls
Of the Titanic city,—brazen gates,—
Towers,—temples,—palaces enormous piled,—
Imperial NINEVEH, the earthly queen!
In all her golden pomp I see her now,—
I see her halls sunbright at midnight shine,—
I hear the music of her banquetings;—
I hear the laugh, the whisper, and the sigh.
A sound of stately treading toward me comes,—
A silken wafting on the cedar floor:
As from Arabia's flowering groves, an air
Delicious breathes around.—Tall, lofty-brow'd,—
Pale, and majestically beautiful,—
In vesture gorgeous as the clouds of morn,—
With slow, proud step, her glorious dames sweep by.'

We may add the following, not perhaps as the best of the many pictures of luxury that adorn these pages, but as the first which we meet with.

'The moon is clear,—the stars are coming forth,—
The evening breeze fans pleasantly. Retired
Within his gorgeous hall, Assyria's king
Sits at the banquet, and in love and wine
Revels delighted. On the gilded roof
A thousand golden lamps their lustre fling,
And on the marble walls, and on the throne
Gem-boss'd, that, high on jasper steps upraised,
Like to one solid diamond quivering stands,
Sun-splendours flashing round. In woman's garb
The sensual king is clad, and with him sit
A crowd of beauteous concubines. They sing,
And roll the wanton eye, and laugh, and sigh,
And feed his ear with honey'd flatteries,
And laud him as a God. . . . . .
. . . . Like a mountain stream,
Amid the silence of the dewy eve
Heard by the lonely traveller through the vale,
With dream-like murmuring melodious,
In diamond showers a crystal fountain falls.
. . Sylph-like girls, and blooming boys,
Flower-crown'd, and in apparel bright as spring,
Attend upon their bidding. At the sign,
From bands unseen, voluptuous music breathes,
Harp, dulcimer, and, sweetest far of all,
Woman's mellifluous voice.'

'Through all the city sounds the voice of joy,
And tipsy merriment. On the spacious walls,

That, like huge sea-cliffs, gird the city in,
Myriads of wanton feet go to and fro:
Gay garments rustle in the scented breeze,
Crimson and azure, purple, green, and gold:
Laugh, jest, and passing whisper are heard there;
Timbrel, and lute, and dulcimer, and song;
And many feet that tread the dance are seen,
And arms upflung, and swaying heads plume crown'd.
So is that city steep'd in revelry.'

The next scene shows him stationed at morning on the top of that lofty mount which soared in the midst of the city over the ashes of its mighty founder, making proud signal to the glittering hosts that lay encamped by myriads beyond its walls.

'Then went the king,
Flush'd with the wine, and in his pride of power,
Glorying; and with his own strong arm upraised
From out its rest the Assyrian banner broad,
Purple and edged with gold; and, standing then
Upon the utmost summit of the mount,—
Round, and yet round,—for two strong men a task
Sufficient deem'd,—he waved the splendid flag,
Bright as a meteor streaming.
'At that sight,
The plain was in a stir: the helms of brass
Were lifted up,—and glittering spear-points waved,—
And banners shaken,—and wide trumpet mouths
Upturn'd;—and myriads of bright-harness'd steeds
Were seen uprearing,—shaking their proud heads;
And brazen chariots in a moment sprang,
And clash'd together. In a moment more,
Up came the monstrous universal shout,
Like a volcano's burst. Up—up to heaven
The multitudinous tempest tore its way,
Rocking the clouds: from all the swarming plain,
And from the city rose the mingled cry,
"Long live Sardanapalus, king of kings!
May the king live for ever!" Thrice the flag
The monarch waved; and thrice the shouts arose
Enormous, that the solid walls were shook,
And the firm ground made tremble.
'Amid the far-off hills,
With eye of fire, and shaggy mane uprear'd,
The sleeping lion in his den sprang up;
Listen'd awhile,—then laid his monstrous mouth
Close to the floor, and breathed hot roarings out
In fierce reply.'

The reader, we think, may now like to see him in his chariot of war.

' He comes at length :—
The thickening thunder of the wheels is heard :—
Upon their hinges roaring, open fly
The brazen gates :—sounds then the tramp of hoofs,—
And lo ! the gorgeous pageant, like the sun,
Flares on their startled eyes. Four snow-white steeds,
In golden trappings, barbed all in gold,
Spring through the gate ;—the lofty chariot then,
Of ebony, with gold and gems thick strewn,
Even like the starry night. The spokes were gold,
With fellies of strong brass ; the naves were brass,
With burnish'd gold o'erlaid, and diamond-rimm'd :
Steel were the axles, in bright silver case ;
The pole was cased in silver : high aloft,
Like a rich throne the gorgeous seat was framed ;
Of ivory part, part silver, and part gold :
On either side a golden statue stood :
Upon the right,—and on a throne of gold,—
Great Belus, of the Assyrian empire first,
And worshipp'd as a God ; but, on the left,
In a resplendent car by lions drawn,
A Goddess. . . .
. . . . . Behind the car,
Full in the centre, on the ebon ground,
Flamed forth a diamond sun ; on either side,
A horned moon of diamond ; and, beyond,
The planets, each one blazing diamond.
Such was the chariot of the king of kings.'

The following is in a different, and, to our judgment, a juster taste.

' 'Twas midnight now : the melancholy moon,
With wasted face, unwillingly arose
To walk her weary course : upon the plains
Gleam'd faintly the moist herbage : shadows drear
And long, from lofty and umbrageous trees,
Slept on the earth ; pale light, and dreamy shade
Cover'd the silent city ; her huge towers,
Like a Titanic watch, all standing mute ;
And, in the centre,—like the spectre form
Of perish'd Saturn, or some elder god,
The dim vast mound. Within their tents the hosts,
Or on the earth, in heavy slumber lay ;
Some of the battle dreaming,—some of love,—
Of home, and smiling wives and infants some.'
' But in the Median camp, the while, all eyes
In sleep were closed. With the pale moonlight now
Mingled the opening dawn. Their dull round trode,
With weary foot, the watchers of the night :
A heavy mist o'erhung the earth ; the trees,

The tents, all dripping with distilled dews.
Unstirr'd by any breath of air, down hung
The banners heavily.'

The reader must now have a taste of the battle.

'At the word,
The fiery steeds uptore the groaning ground;
Thunder'd the wheels; and, like the rush of waves,
Sounded the tread of that vast infantry.
Then spake the trumpets out, a thousand tongues
Of blaring brass; and timbrels, and the clash
Of cymbals; and all instruments clear-toned,
That stir the heart in battle: and the voice
Of every soldier was sent up to heaven
In shouts that rent the air. High in the midst,
The splendid ensign, azure, silver-starr'd,
With diamond-sprinkled sun of burning gold,
Ray'd with bright diamonds, to the fresh breeze
Roll'd out its glorious hues.'

The following has much of the Homeric manner.

'Then Arbaces stoop'd,
And to his charioteer, deliberate, thus:
"Darius,—what I tell thee heed thou well,
And fear not: right upon the tyrant's car
The horses urge, and wheel in wheel drive close:
Our chariot is the stronger,—we will break
His axle short, and hurl him to the earth
Headlong,—so with one happy blow perchance
Decide the battle. Nearer—nearer still."
'Shouted then
Arbaces: but, perceiving that the cars
Apart were passing, snatch'd in haste the reins,—
And in a moment,—grinding horribly,—
Wheel inside wheel was driven. Like brittle wood,
Black from the fire, the axle of the Mede
Snapp'd short;—the car was dash'd upon the ground.
Unshaken pass'd the chariot of the king;
But darkness veil'd his eyes.
'Cast headlong down,
Upon his neck Darius fell, and died.
But, on his feet alighting all unhurt,
Arbaces stood, and in a moment saw
The shatter'd car, amid th' Assyrian ranks,
Whirl'd by the terrified steeds. His battle-axe,—
Thrown from the chariot,—and his bow and spears
Seized he, then, like a lion on his prey,
The king to overtake flew on. But after him,
With tempest-rush, th' Assyrian chariots came:

Lances and darts whizz'd round him : close behind,
Like the hot pantings of the desert-blast,
Within his ear, and on his cheek, he felt
The blowing of the steeds ; with voice, and rein,
And sounding thong, the charioteers impell'd
The horses on that they might trample him :
But, turning as he ran, the nearest steed
Upon the forehead with his battle-axe,
As with a thunder-bolt, Arbaces smote,
And with loud squelch and jar unto the ground,
Stone dead, headforemost drove him : o'er him roll'd,
With hideous clash, his fellows ; and the car
Flat to the earth was hurl'd.'

After innumerable feats of this kind, the hero climbs up to a small eminence which overlooks the plain.

' As, on some small rock
Amid the stormy deep, the mariner,
Looking all round, the raging waves doth see
Outstretch'd immense, and their tremendous roar,
Deep and far spreading, hears,—even such a sea,
A sea whose billows were contending hosts,
Arbaces saw,—and, louder than the voice
Of stormy ocean, heard the uproar there.
He saw, and shouted ; for, o'er all the plain,
Like waves before a strong wind driven along,
The Assyrians moved ; yet unresisting not ;—
For, as against the wind the rapid tide
Strives still, though yielding still,'
' So, while they fled,
Fought still th' Assyrians ; turning oft again,
And onset still renewing, still to fail.
Like to the tossing foam amid the waves,
The plume-topt helmets rock'd ; and restless light,
As from the waters heaving to the sun,
From the steel corslets flashed, and burning shields,
The glittering armour all, and cars of brass.'

The king at last is wounded, and borne insensible to the city, where his neglected queen watches over him, and, listening to the near and nearer approach of the roaring fight, conceives the daring project of clothing herself in his arms, and cheering his fainting troops by the sight of their returning monarch. As the tumult waxes louder he revives, and sees this heroic preparation.

' With a sudden bound,
Sprang on the king, and strain'd her in his arms,
And on her cheek one burning kiss impress'd :
The bandage from his head then pluck'd away,—
The glittering helmet seized,—the golden shield,—
The spear,—and issued forth. She after him

Went swiftly, crying still—" Nay—go not thus,—
Put on thy mail,—think what on thee depends."
' Nought heeded he, for in his ear the noise
Of battle rang,—all other sound unheard :
Forth went he,—to his chariot, shouting, leap'd ;—
Shrill hiss'd the scourge ;—like bended bows let go,
Started the steeds ;—the rushing wheels stream'd fire ;—
Earth thunder'd underneath.
' A thousand men,
His chosen guard,—all eminent in arms,—
Of proud Assyria's noble youth the flower,—
On Arab steeds with gorgeous trappings deck'd,
His coming waited. Dazzling were their arms,
Silver, and gold, and steel, and gleaming brass,—
And helms, gem-boss'd, that in the blood-red sun,
Stream'd fiery splendour. When the king appear'd,
At once their restless horses they let go ;
And, like a tempest, close behind his wheels,
Rode shouting to the battle.'

This we fear is somewhat bloated and noisy. But the effect of this reappearance of the monarch is given at least with great spirit and effect.

' Now hideous rout
O'er all the field was seen : toward the gates
Terrific was the rush ; nor longer strove
The Assyrian captains for that hopeless day ;
But, sullenly resisting, with the throng,—
Like lions by a swoln stream borne away,—
In a stern silence struggling, backward went.'
' Jaded with toil,—with sweat and dust begrimed,—
Panting for breath,—for thirst agape, they came ;—
The glittering cars,—the gay caparisons,—
The shining arms,—the plumes of gorgeous hue,—
Blood-spatter'd,—foul'd with dust ;—with such a rout
Fled they ; and, after them, the shouting foe,
Driving them on, and trampling. Towards the walls
All eyes were bent ; for succour hoping, these,—
These for unbounded vengeance,—when, behold !
Swift as an eagle shooting from a cloud,
From out the gates a single chariot rush'd !
Erect the rider stood,—a golden shield
Upon his left arm grasping,—in his right
A spear,—and on his head a gleaming helm,—
All else unarm'd. The royal car was known,—
The ebon seat,—the steeds of snowy white,—
The wheels, gem-starr'd ;—but who was he that rode ?
Shouting he flew, and raised his arms on high.
Swift as a tempest came the thundering car ;
And, close behind, on Arab steeds milk-white,

Assyria's royal guard. Burst out, at length,
A deafening shout—" The king! the king comes forth!
The king of kings unto the battle comes!
Shout, all ye nations! shout! the king! the king!
The king of kings to victory comes again!"'
' With a shout,
Louder than thunders, all that mighty host
Turn'd suddenly, and on th' astonish'd Medes
Drove like a hurricane. They,—amazed and stunn'd,—
Heard, saw, and waver'd;—for, as one to four
Their numbers were,—their limbs with toil were worn,—
They had no walls of refuge. All amazed,
There stood they doubtfully;—then look'd behind,—
Look'd,—turn'd,—and fled.
' Redoubled clamours then
O'er all the field arose; and, from the walls,
The cries of myriads. Shrieks of joy went up,—
Songs of thanksgiving,—loud and frenzied prayers,—
Shoutings, and sobs, and wails, and laughter loud.
Women, and priests, infants, and grey-hair'd men,
Ran to and fro; or on their knees fell down,
With hands and eyes uplifted to the Gods,—
For their deliverance praising,—on their foes,
Destruction calling down.
' The king, meantime,
Rush'd to the slaughter. On the flying rear,
Chariots and horsemen drove;—spears, arrows, darts,
Hiss'd after them;—like to a thunder-peal,
Heard faintly from afar, amid the din
Was heard the voice of Jerimoth;—the roar
Of furious Zimri, like a tiger's howl
In the deep forest, when a tempest shakes
The moaning trees at night.'

There comes after all this the night battle, and the conflict of the elements, the deluge, the thunder and the lightning. But the specimens we have given we suppose will be thought sufficient. There is no lack of talent, it will be perceived, in Mr Atherstone. His poem is one of power as well as of promise; and stands, we think, already nearly on the level of Southey's Madoc or Don Roderick—with less variety perhaps, and still greater diffuseness, but with the same richness of diction and play of fancy, the same high tone of piety and principle, and the same smooth and flowing versification, which have not been able to redeem those very meritorious productions from the charge of tediousness, or the hazard of a speedy oblivion.

ART. IV.—*The History of Painting in Italy, from the Period of the Revival of the Fine Arts, to the end of the 18th Century. Translated from the original Italian of the Abate Luigi Lanzi.* By THOMAS ROSCOE. 6 vols. 8vo. London. Simpkin & Marshall. 1828.

Storia Pittorica della Italia, dal risorgimento delle belle arti fin presso al fine del 18 *secolo, dell' Abàte Luigi Lanzi, Antiquario I. e R. in Firenze.* Edizione Quarta. 8°. Firenze. 1822.

THE Italians commonly call a taste for the fine arts, or skill in them, by the name of Virtue. They term the productions of artists, objects of virtue; and a person, who has a taste for such things, is denominated a virtuoso, that is, a virtuous man. Of the great Tintoret, his biographer accordingly writes, that he took much delight in every virtue, and especially in music, and playing on various instruments; 'Il quale si è dilettato di 'tutte le virtù, e particolarmente di sonare di musica, e diversi 'strumenti.'

The ancient inhabitants of their country preferred the sword and the spear to the pencil and the bow of the violin; and certainly the Sabines, Tuscans, and other nations, would have found the followers of Romulus more agreeable neighbours, had they been content to place the highest excellence in an exquisite harmony of colours, or of sounds; and not in scaling the rugged rocks, on which they chose to plant their fame, and whither the Roman eagle was taught to direct a constant and daring flight. We smile at first at this use of the word *virtù* by the Italians; but we may find, on reflection, that it is less absurd than we had supposed. Although the Fine Arts do not in themselves constitute virtue, we cannot but think that they promote it. It is not impossible, unfortunately, but it is somewhat difficult for one, whose mind is filled with an intense love of art, to be very vicious. His time and thoughts are engrossed by objects of powerful interest; and idleness, whence vices generally spring, cannot originate and take root, where the whole soul is preoccupied. Disgraceful vices, accordingly, have rarely been found to exist in men devoted to literature; and a similar devotion to the fine arts, has been most commonly an effectual preservative against the contagion of evil. If we were required to seek for innocuous men, of pure and blameless lives, we should undoubtedly look first amongst men of letters and *virtuosi;* the former rarely stain, by baseness, the honourable pursuits for which they live; and the latter, by the strict monopoly of themselves which

they yield to their favourite objects, justify, for the most part, by their harmlessness, the name they bear. The great mass of mankind are usually occupied with their daily labours; and whilst they are actually at work, they not only do no evil, but are active about good; it is only at leisure hours that they take mischief in hand. If a taste for letters and the arts, therefore, were generally diffused, and the means of gratifying it supplied, which is not a very difficult thing, the quantity of drunkenness, gaming, riot, and such modes of consuming spare time as are injurious to the community, would be reduced to a small amount: For, wherever the large majority are sober, regular, orderly, and decent, the sanction of public opinion and example becomes so powerful, that it is not easy for a few foolish and worthless persons, who may be disposed to violate the decorum of society, to indulge in habits which would excite indignation, and be speedily repressed. Benevolent individuals have already begun to provide for the instruction and literary wants of the lower orders; it would be well if some philanthropic society would undertake also to create in them a taste for the fine arts; to make the many *virtuous* in their amusements.

The Greeks set a high value upon the arts, and upon that of Painting, in particular; they deemed it the invention of some of the Gods; 'Pictura Deorum inventum,' ζωγραφία θεῶν τὸ εὕρημα. Invention indeed is plainly the highest act of the mind; and they thought that it placed men on a level with the immortal gods. They deified, therefore, the inventors of important arts, after they had quitted this life; they made them gods—or rather they acknowledged that they were, and had always been such.

It is the office of sculpture faithfully to imitate forms, and of painting to represent appearances; and they reverenced these arts, with which it was thought proper to adorn the habitations of the gods, and in the exercise of which men seemed often to attain to a beauty more than human, and as it were divine. The greater part of inventions are the product of man's wants and necessities, except only the fine arts, which are derived from his love of imitation. There are some speculators, who will only admit the useful; and putting a very narrow sense upon that word, will perhaps only suffer us to grow some kind of grain, to grind it into flour, and to knead it hastily and imperfectly, and having baked it slightly, to eat it up—and then to sit down on the ground to meditate upon the most effectual method of saving our money and our time. Yet, who can decide what is useful? Is that only to be esteemed useful, for which the philosopher himself can find an use?—then let him go into the workshop

of the artisan, and say how many useful tools he sees there, which to him are without use. It is evident, that unless we give a very extensive signification to the term, we must seek some other standard.

The ancients have shown, by the perfection to which they carried the fine arts, that they either considered the cultivation of them to be useful, or were of opinion, that there are other qualities which ought to recommend objects to our attention. We fortunately possess sufficient opportunities of judging of their vast superiority in architecture and sculpture. Our most accomplished musicians have also acknowledged, as might be distinctly proved, if it were to the present purpose, that, as far as they have been able to penetrate into the deep obscurity of the subject, it appears that the music of the ancient Greeks was of a far higher kind than that of the moderns. Our materials for forming an estimate of their skill in painting are no doubt scanty; but they have been sufficient to enable some critics to assign them the palm in this art also. Mengs, who had studied the subject deeply, and was in all respects well qualified to judge, gives it as his decided opinion, that the modern painters are inferior to the ancients; he says, 'I am fully persuaded 'that the design of the ancient painters was much more perfect 'than that of the sculptors, for the ancient painters were more 'highly esteemed than the sculptors. I think, too, that the 'design of the ancients was much superior to that of the mo-'derns; since, among the antient pictures which I have seen, 'there are many in which the drawing is as good as in the best 'works of Raphael, notwithstanding that they were executed at 'Rome in times when the true Greek taste had disappeared, 'being, at the earliest, of the age of Augustus; and nevertheless 'the sculpture of that time was much inferior to these paintings, 'so that, from the little that remains of the ancient painting, I 'infer that it was always more perfect than the contemporane-'ous sculpture.' He speaks also in high terms of the chiaroscuro and colouring of the ancients. *Opere*, p. 154. In another place, treating of the paintings found at Herculaneum, he says, 'Having observed, even in the commonest of these pictures, how 'well the chiaroscuro is understood, although it is negligently 'executed, I am amazed when I reflect and endeavour to ima-'gine what must have been the works of the famous painters, 'who were the contemporaries of the famous sculptors who 'formed the Apollo Belvidere, the Gladiator, and the Venus de 'Medicis, and of other such works.'——'In short, if we com-'pare these pictures with all the works of the moderns, and con-

'sider that they were produced in such unimportant places, we 'shall perceive how far superior the painting of the ancients 'must have been to our own.'

It must be gratifying to the lover of art, to reflect to what a high degree of perfection painting may yet be carried; and to the aspiring artist, it is an animating motive of ambition to be assured, that the Greeks had reached an eminence, to which even the greatest masters of Italy have not yet arrived. To rival the Greeks, it is necessary to attain to a style of beauty which has never been approached in later times. The ideal painter of Mengs, at whose perfection all artists ought to aim, should unite in himself the design and beauty of the Greeks, the expression and composition of Raphael, the chiaroscuro and the grace of Coreggio, and finally the colouring of Titian. Mr Jonathan Richardson, in his 'Theory of Painting,' insists, indeed, on still higher requisites; for he says, 'The way to be an 'excellent painter is to be an excellent man—and these united, 'make a character that would shine even in a better world than 'this'—p. 18.—resolved, apparently, that the word *virtù* should be applicable to his favourites, in all the languages of the world.

It has been doubted whether the pictures of the ancients supplied examples of figures in various distances, so as to present to the eye a composition of considerable depth, such as we find in the works of the moderns; or if they consisted only of what may be termed shallow compositions, where the figures are represented nearly in a row, as in a bas relief, or as the performers are wont to group themselves on the stage: the few specimens of ancient art which we possess are of the latter kind.

Pliny, Lucian, and Philostratus, afford ample materials for an interesting history of ancient painting: the remarks of these authors, especially of the first, have been sometimes censured, but commonly, it must be admitted, by those who were equally ignorant of the art of painting, and of the languages in which they wrote. Francis Junius, the great interpreter of the Northern tongues, has composed a large work, 'De Picturâ Veterum,' full of quotations and of omnigenous learning; but not of greater vivacity, nor more readable, as a whole, either in the original Latin, or in the author's English translation, than his lexicon of the Anglo-Saxon. It is useful, however, as a book of occasional reference, and not the less so, because the author looked upon learning only as a means to an end—that end being to heap up citations. His vast catalogue of ancient artists is a curious monument of his own diligence, and of the extent to which the arts were cultivated in past ages. Nor were critics wanting in those days; for Pliny and Philostratus cite

many ancient works on painting. Carlo Dati has also produced a work bearing the title of Lives of the Ancient Painters; but it comprehends the lives of four only, Zeuxis, Parrhasius, Apelles, and Protogenes. It is pleasant and readable; his secretion of quotations is moderate, natural, and healthy, by no means morbid and excessive, as in Junius, and other plethoric Germans.

With the other arts, painting gradually declined: But it is a question whether it ever entirely expired,—whether there ever was a time, in the dark ages, when a few painters of merit did not exist; for we see, in some collections, works of a very extraordinary beauty and excellence, by late Greek artists, which are of an older date than the earliest period that has been named for the revival of the art in Italy. Whether painting may be said to have been dead or only asleep, it was certainly brought to life or awakened by the great masters of that country, who preceded Giotto, and especially by that wonderful genius himself;—Giotto, the ugly little angel, or Ambrose, for his name, according to the custom of the Florentines, is said to be a nickname, an abridgement of Angiolotto, or Ambrogiotto, either of which terms would denote that he was ugly; and his friend Petrarch says of him, in an epistle, 'Duos ego novi pictores egregios, nec formo-'sos, Jottum, Florentinum civem, cujus inter modernos fama in-'gens est, et Simonem Senensem.' Giotto has been justly called, notwithstanding his person, the Raphael of his age. In the 14th century, and at the beginning of that century, 200 years before Raphael, he brought to perfection, as some critics hold, an art which, they assert, has in many respects been changed by subsequent masters,—in some deteriorated, in others advanced, but not on the whole improved; whilst others confidently maintain, that painting was still in its infancy, and decide, upon inspection, that although a wonderful child, it was still but a child; and that the question is not one of difficulty, for, 'L'Infanzia dell' 'arte si conosce più facilmente che le altr' età; ed è la mede-'sima in ogni nazione, come in ogni nazione i bambini sono gli 'stessi.'

Giotto had, at least, the happiness to live in an age of great men. He was the friend of Dante, Boccaccio, and Petrarch; the last bequeaths a picture by him, and speaks of it in his will thus: 'In cujus pulchritudinem, ignorantes non intelligunt, magistri 'autem artis stupent.' It requires a considerable familiarity with the works of these ancient masters, and a careful examination and long study of their works, to be qualified either to adopt or to reject, on satisfactory grounds, the opinion of their transcendent merit, which has been formed and expressed by critics, who are entitled to high respect. It is manifest, however, even

to a moderately practised eye, that there is much both of absolute beauty and of technical excellence in those early productions. Every lover of art must desire, that some of the ancient frescoes which are untouched, or which have been restored and repaired from time to time, with so much judgment and forbearance that the authority of the originals is unimpaired, as are those on the walls of the Campo Santo at Pisa, were faithfully copied. They are full of interest of every kind, as to costumes, and manners, and architecture; for the buildings are often magnificent, and the landscapes, in the back ground, are rich in merit, and are deservedly admired. They ought to be literally and truly copied on the spot, with the most scrupulous fidelity, and a minute attention to size and colour; and let shame and punishment await the wretch who would introduce alterations, as our architects now bring in their own unutterable abominations, under the name of 'judicious improvements.' Let the artist, on the contrary, be especially instructed to copy, with more than usual care, whatever may appear to him to be faulty; for unless he is intimately persuaded that the faults of Giotto and his compeers are infinitely more valuable than the most brilliant of his own conceptions, he is utterly unfit for the important task. The Cartoon, which the artist had made on the spot, might, with the like scrupulousness and religion, be transferred to a wall in England, to which we might for ever after repair, to indulge our speculations, and to form our taste. In the mean time, a slight acquaintance with these works may be obtained, by the help of the 'Pisa 'Illustrata' of Morrona.

If the great qualities of the first patriarchs of the art be somewhat recondite, and not easily to be revealed to novices, there is another class of early painters, whose excellence is very obvious when their works are seen; but they are unfortunately very little known at present in Great Britain. They are the immediate predecessors of Raphael, and especially his master, Pietro Perugino. If his figures be somewhat stiff, and the draperies scanty, Pietro largely compensates by the grace of his heads, particularly those of youths and of women,—by the gentle actions and the brilliant colours, and by the admirable architecture in his buildings. If there be somewhat of a sameness in his mode of treating certain subjects, it may be, that there was a more powerful religion on those points in his time, and a greater dread of contradicting the old traditions. Speaking as a critic, it must be allowed that Raphael has, in some important matters, greater merits; but speaking as a sentient being, it is impossible, we think, to deny, that Pietro has more beauty. His works are singularly well adapted for engraving: and a complete collection of all that remains

would be a fine study for him who is in pursuit of the beautiful. Vasari attributes the wonderful success of this surprising man to a very powerful cause—his poverty. The introduction to his life of Pietro would form a fit accompaniment to the famous speech of Πενία, in the Plutus of Aristophanes. 'How 'great a benefit to men of genius poverty sometimes is,' says Vasari, 'and how powerful a cause of compelling them to become perfect and excellent in any art whatever, may be clearly 'seen in the actions of Pietro. Having quitted his extreme destitution in Perugio, and betaken himself to Florence, he sought 'by means of excellence (*virtù*) to arrive at a certain station. 'He continued for many months, for want of a better bed, to 'sleep wretchedly in a chest; turned night into day, and applied 'himself incessantly to study his profession. Having made a 'habit of this, he knew no other pleasure than working always 'at his art, and always painting. The terrors of poverty being 'ever before his eyes, he did things to obtain money, which he 'would not even have looked at, if he had had the means of 'maintaining himself; and it is possible that riches would have 'closed against him the path of becoming excellent through virtue (*virtù*), as completely as poverty opened it to him, and 'want spurred him on. In seeking to raise himself from such 'a wretched and low condition, if not to the first and highest, 'to one, at least, where he might be able to support himself, he 'regarded not, on this account, cold or hunger, discomfort or inconveniences, labour or shame, in order to be able to live some 'day in ease and quiet; saying always, as it were for a proverb, 'that after the bad, the good weather must at last come, and 'that when the weather is good, people make themselves houses, 'that they may be able to remain under shelter in time of need.' If any thing could possibly reconcile us to poverty, it would be the contemplation of the works of Perugino, and the reflection that we owe them to that cause. The same Vasari, however, blames him, somewhat unjustly, because he was much annoyed at being robbed of a considerable sum, and accusing him of irreligion on that account, says—'Fùe Pietro persona di assai 'poca religione, e non se gli potè mai pur credere l'immortalità 'dell' anima. Anzi con parole accommodate al suo cervello di 'perfido, ostinatissimamamente ricusò ogni buona via.'

The industry of the great Italian masters is truly wonderful. When we reflect on the fame of Raphael, and consider that he died at the early age of 37; when we recollect that Michael Angelo was equally remarkable as an architect, a sculptor, and a painter, and in each of the three arts was unrivalled in those qualities which he sought to possess, we are at a loss to find lan-

guage to express our astonishment, that so much could be acquired and executed in the short compass of human life. Perugino loved work better than any amusement whatever, and used to call it his most beloved wife—'Parlava assai bene, amava la 'conversazione degli amici, ma più assai la fatica, che preferiva 'a qualunque divertimento, e chiamar soleva sua dilettissima spo-'sa.' Nor did Peter use this affectionate appellation, as some unhappy men might have done, without understanding its full force; for he had a young, amiable, and most beautiful wife, and it was his supreme delight to see her elegantly dressed; it was reported that he sometimes even dressed her with his own hands. In one respect, the meritorious industry of the Italians is said, by persons who are acquainted with the details of painting, to have produced the most beneficial effects. They used to make drawings on paper of the full size, and to finish them in all particulars with the most minute accuracy, not only before they commenced a work in fresco, where such a pattern is indispensable, but also for their easel pictures, and transferred it to the canvass in the latter case from the drawing, in the same manner as to the wall in the former. Many of these cartoons still remain in the cabinets of the curious, and their beauty and finish fully attest the elaborate care which was bestowed upon these precious guides. A modern artist of promise has had the diligence and courage to revive this ancient practice; and he finds in it advantages that fully repay him for the additional trouble it demands.

'These great masters, whose names and memories are sweet 'to all true lovers of the art,' as Richardson well describes them, were not only famous for their skill in painting, in which the Italians surpassed other nations, more than in any other respect. The union of the three arts in Michael Angelo is a common topic of surprise and admiration; but it was by no means unusual. The great Giotto is described thus: 'Giotto di Bondone, Pit-'tore, Scultore, ed Architetto, Fiorentino;' and such is the common and well-merited addition of many others; it was, indeed, most usual for a painter to be a M. A., not in the seven liberal sciences, but in three fine arts. If we make a just estimate of human life, we ought to place these artists amongst the happiest, as well as the greatest of men. The chief deduction from their felicity must be made on account of their mutual envy, rivalry, and jealousy: these passions occasionally rose to an extravagant pitch of violence, and must frequently have caused acute pain. One thing strikes us forcibly in reading the lives of these illustrious men, and that is, that they were almost universally well educated, instructed in the sciences and in litera-

ture; they were frequently authors, and sometimes produced literary works of merit. The Greek sculptors were likewise, in the best ages, gentlemen by birth, highly cultivated by education, and philosophers in genius; they were able, therefore, to imitate nature, not in all her parts, but in whatever was the best. Modern artists, on the contrary, have too often been uninstructed men: and we notice the fact, not certainly from any disrespect to deserving individuals, but as a most humiliating confession, far more disgraceful to other classes of society, than to those who appear at first to be the most affected by it. It has been hitherto so extremely difficult for any man, and for a man of a narrow fortune so nearly impossible, to obtain competent instruction in England, that an artist who has succeeded in acquiring even a very limited and imperfect stock of knowledge, is on that account entitled to great praise, and cannot, with justice, be blamed for his deficiencies. There are innumerable instances of the facility of obtaining a good education in Italy: one example may suffice. Pascoli tells us of Salvator Rosa, that he was so miserably poor as to be forced, in order to gain a subsistence, to expose his early works for sale in the most frequented parts of the open streets in Naples; yet he had been carefully instructed, when a youth, in humanity and rhetoric, at the college of Somasco; and his poems prove that the instruction was not superficial, and that he had profited by it. But though we cannot blame our artists for the want of a good education, the effects of it are not the less severely felt in their works. Their ideas are few and limited, and are continually repeated; for it is only by extensive knowledge and various learning that they can be augmented with advantage. The remark of Lanzi concerning Bassano, that his mind was cramped by living entirely in the country, and that it can only be expanded by a residence in large cities, is just—but it will apply with far greater force to the condition of a man who is confined in the solitudes of ignorance, instead of being conversant in the grand emporium and populous metropolis of a well-stored memory. 'Era limitato 'd'idee, e perciò facile a ripeterle; colpa anche della sua situa'zione; essendo verissimo che le idee agli artefici e agli scrit'tori crescono nelle grandi metropoli e scemano ne' piccoli luoghi.'

Phidias, we are told, completely attained τὸ μεγαλεῖον καὶ ἀκριβὲς ἅμα; but our artists are generally unable to unite them in any degree; if in their sketches there chance to be something of the former, the latter is uniformly wanting; and whenever they attempt to attain accuracy by careful finishing, the greatness, which had been caught by accident, is entirely lost. It is by a regular educa-

tion and a systematic discipline alone, that men can be taught to produce effects according to fixed principles, and not by hazard, in committing every thing to fortune, and working in the dark. Our modern artists have, moreover, been accused by persons who profess to be acquainted with the habits of many of them, of indolence, irregularity, and want of method: And certainly a defective and ill-arranged education is not apt to generate the virtues which are opposed to those most pernicious and destructive vices; order springs from order, as certainly as each kind propagates its kind.

It is a pleasure, no doubt, to contemplate a correct likeness of a remarkable character, and we are willing to look at the face of one who has any claims, although they may be but slight, upon the attention of the public; but the portraits of the mass of mankind are totally without interest to their species; and it is impossible not to regret, that the skill of the best of our painters is almost entirely wasted upon an unimproving, and, to speak generally, an insignificant branch of their noble art. It would be a patriotic and a profitable exercise of critical severity, to castigate, with the utmost rigour, whether in the earnest tone of serious indignation, or by the assiduous application of unsparing ridicule, that paltry and selfish vanity, which confines the talent of our artists within such narrow bounds, and consigns their most successful efforts to hopeless oblivion: For the brief applause of a narrow circle of acquaintance, who can alone judge of the fidelity of the resemblance, and are alone likely to cast even a single glance at the unattractive picture, can hardly be considered as an exception, if we justly estimate the extent and duration of the admiration which the man of genius may claim for a successful effort. If we take away one circumstance, which, in fact, does not at all affect the exaltation of the art, that the exhibition of his portrait serves to draw customers, and to enable the painter to live, perhaps in comfort, it may be even to amass a moderate fortune, it will be no exaggeration to say, that to require an artist of merit to consume his time and his talents in the production of the portrait of some insignificant individual, is precisely the same, in effect, as to order a painting, and when, by much labour and ability, it has been completed, to pay the stipulated price, roll up the canvass, and commit it to the flames. For what real difference is there between destroying what has been painted, and painting that which no one can endure to look upon, and might as well be destroyed?

This disgraceful selfishness is fostered and encouraged by the prevailing practice of locking up pictures, and of considering

them as intended for the solitary gratification of a few individuals. If a more generous desire of affording pleasure to the public animated the opulent, and guided them in giving orders to painters, they would naturally choose subjects likely to attract attention. The painter would no longer be directed to exhibit the mean physiognomy of the lately-enriched merchant, or of his eldest son, nor to pourtray the tawdry finery of his unfashionable wife and daughters, but to select some fable of ancient or modern poetry, suited to his powers, some well-known deed of our own days, or of more remote times. The wealthy merchants of Venice and of Genoa accordingly directed their magnificence into this more liberal and useful course; and we see that the great masters whom they employed left behind them works of general interest; not the unimportant faces of successful tradesmen. The public, indeed, to whose judgment the painting was submitted, would have laughed aloud at the conceit of the draper; why, they would scornfully ask, has he had his likeness painted for us? cannot we see him in his shop, whenever we desire it, whilst he lives? and, when he is gone, will they not easily find as handsome a man to stand behind the counter and to measure out the cloth? Whenever a public man, or any man, is requested by a public body, that his likeness should be taken, that it may be hung up in some public place, it is well, let him comply with the request; but when a private individual, of his own mere motion, is about to order his portrait, let him consider before he causes so much good art to be employed upon a matter of private interest, and be well assured, that there are not three respectable persons living, who do not see the original at least as often as they wish, and who, when he is dead, if they shall survive him, will desire to be in any way reminded of him. In the rich convents, which were great patrons of the arts, we do not see rows of portraits; the skill of the painter was not wasted in recording the individual varieties in the saturnine faces of the monks: subjects of general interest were chosen; it is true, that they were commonly religious ones, and it is also true, that such subjects are seldom well adapted for painting. Many, being altogether preternatural, and frequently even inconceivable, are beyond this powerful art, and cannot be represented by it, however exquisite it may be. Many are of a sorrowful and highly painful character, and are accordingly unfit for the painter, because they do not leave in the mind of the spectator that agreeable impression which it ought to be the aim of art to produce; and many of the miracles and legends of the Catholic Church, to speak freely and ingenuously, are absurd and monstrous, and even ridiculous, and

consequently as little calculated to advance true religion, as good taste. But the paintings that have been executed under the patronage of ecclesiastics, however faulty they may often be in other respects, have this merit at least, that they are not the portraits of insignificant individuals. Domestic affection, and private friendship, ought to be satisfied with the humbler skill of the miniature-painter. His elegant and portable productions will supply their longing eyes in a more commodious and agreeable manner than the canvass of the more dignified artists, which ought to be consecrated to public occasions.

The excessive elaboration of our modern drawings in water-colours, has also been condemned, as hostile to the progress of art. Nothing more can be done in water-colours, it is said, than to produce a spirited sketch; the result of labour and high-finish, is to destroy the sketchy appearance,—and thus nothing is effected; it is merely an elaborate failure. It has been maintained also, that the encouragement given to engraving at present, is disproportionate. But it may be, that the true cause of this excess, if it really exists, is, that since we are rarely permitted to see the original paintings, engravings are necessarily adopted as substitutes.

In order to elevate the art of painting to the rank which it ought to hold, three things are indispensably necessary. 1st, That our artists should receive a suitable education. 2dly, That they should return to the oldest masters, and copy their works: for many years our painters have consumed their hours in copying Raphael, Coreggio, and Titian; and if experience may be our guide, it is quite clear, that this path does not lead to excellence. 3dly, That they should practise painting in fresco. In order to do, we must dare; and this style of painting can alone teach the artist to dare. The magnitude of walls, and ceilings, and the great distance at which the work is to be viewed, give a full scope for genius. By adorning great buildings the Florentine school became noble; in adorning great buildings the Roman school reached the summit of glory; by adorning great buildings, the Venetian school arrived at a high degree of excellence; and so of the others, for they all followed the same course; and little pictures, and a littleness of style, equally characterise the Dutch school. Apelles, when comparing himself with Protogenes, said, 'perhaps 'he is equal if not superior to me in some things; but I am sure 'I excel him in this, I know when to have done:' fresco-painting has the great advantage, from its peculiar nature, of compelling the painter, in spite of himself, to be Apelles, and to have done. The great scale on which it is executed, creates a

greatness of manner; and the mode of operating induces daring and a certain despatch; the very act of flying is favourable to the growth of the wings:

'Al volo mio sentio crescer le penne.'

It is moreover a powerful antidote against a hard style, which is a prevailing vice among modern painters.

The previous preparation of the drawings or cartoons, with great care and accuracy, may be likened to the composition of a speech; the rapid execution of the work on the fresh plaster, to the delivery of it to the public. Too much care, and too long a time, cannot be employed in the preparation of either; but both must, of necessity, be finally performed in a very limited period, within the compass of a day. There is in both cases the fervour, the glow, the excitement, the inspiration of the moment acting upon, and perfecting, and, as it were, giving a crown and last finish to study long continued, and to materials deeply meditated upon. There is the same necessity that the mind of the artist or the orator should be deeply imbued and filled with the subject, familiarly conversant with every part in detail, and with the entire plan of the great work, and that it should be continually present at once, during the whole period of execution. Whilst speeches were carefully composed for actual business, and were intended to be delivered, we had models of the most perfect and finished eloquence; but as soon as they began to be written for perusal and publication only, they ceased to have value, or to be of merit; they became puerile, artificial, affected, and inefficient; the paltry declamations of the scholastic and pedantical rhetorician; idle clamours, mere pamphlets. In like manner, as soon as the practice ceased, of transferring the compositions of the painter to the ceiling, or the wall, the grand style of art was at an end, and in truth, all the chief merits of painting disappeared by degrees, and the whole art fell into decay, and dwindled away, until it reached its present puny dimensions. In order that oratory may flourish, it is absolutely necessary that speeches should be composed on matters of real business, and should actually be delivered in popular assemblies; and to restore painting to its former splendour, and, if possible, to transcend it, the practice of painting in fresco must be revived.

If we would secure the attainment of the highest degree of excellence in any art, we must procure the union of the two grand causes of excellence, previous study, long continued and profound, and a powerful excitement at the moment of execution. It is essential that a great work should be completed whilst the mind is in a state of excitement: oil-paintings are commonly

begun when the fancy is warm and full of the subject, but too often before it has been fully considered,—and the artist's imagination cools before the work is finished; or, he perhaps takes up another matter, and the first is finished with haste or indifference, because the time in which it might have been happily perfected, has been dawdled away, or employed about something else. Such paintings, accordingly, are too often completed when the mind is cold, and the original conception, if not entirely forgotten, at best but half felt and remembered. It is no refutation of this position to assert, that some of the masterpieces of the art are in oils; this cannot be denied; but they are the productions of artists, who were in the constant practice of painting in fresco also. The salutary habits that had been formed, and were continually exercised, under the one system, were beneficial to, and operated powerfully, though perhaps unconsciously, in favour of the other; and were the true cause of the extraordinary excellence in a different line to which the artist attained. Good habits, and sound discipline, are useful not only in those matters respecting which they have been originally formed, but in all other cases also, where a well-drilled understanding is brought into action. The scholar who has been trained for years in the study of language, and has pursued philosophy with the closest and most accurate investigation, if he be required to turn his attention to history or jurisprudence, cannot fail to prove the efficacy of his intellectual training, in its application to new subjects.

In reading the Latin classics, we find continually, that the epithet, painted, is used on various occasions to denote the most agreeable kind of beauty; it is unnecessary to quote authorities, for many will immediately occur to the scholar. It is impossible to form an idea of the force and justness of the epithet here; but in travelling in Italy, and after having remained a short time in that country, and visited a few of the public buildings, it strikes every one forcibly; and he says to himself, or to his companion, Now I understand the ancient authors,—now it is intelligible to me, why they insist so strongly on the beauty of every thing that is painted, and why they call all beautiful things painted. The word Painting conveys an inferior idea of beauty to those, who have seen only oil-paintings, varnished, and, as it were, greasy; which can only be looked at in one point of view, and not perfectly in any; who have beheld only some small object confined in a frame; who have not gazed on a spacious edifice, entirely and delicately coloured, in an agreeable and natural tone, which

may be looked at with advantage from all points, and which, however seen, is beautiful.

There is a severe but very delightful kind of Fresco, which, from expressing the lights and shadows, without giving the colours, is called Chiaroscuro, or from being executed with one colour only, is termed Monochromatic. It has the effect of a fine engraving, but on a large scale. Philostratus, in the Life of Apollonius, seems to show, that the Monochroma of the ancients was the same as the modern Chiaroscuro; he says, 'Painting 'does not consist of colours alone, for one colour sufficed for 'the more ancient of the painters, and as the art advanced four 'were adopted, and afterwards more; and we ought to call that 'painting which consists of outline, and of light and shade without colour. If an Indian be painted with white outlines, yet 'he will appear to be black, for the flatness of his nose, the upright curls, and the superfluous cheek, and the expression about 'the eyes, as it were of terror, make what we see appear black, 'and show to those who look not inattentively, that it is an Indian.' The art of engraving is now the most powerful and popular example of the Monochroma. In a good engraving we clearly distinguish the materials and texture of the garments; the colour of the flesh, of the hair and beard; the eye, the air, and the most striking and vivid likeness in portraits; the different nature of trees and ground, and, as it were, the colours of the sky and water in a landscape; although in truth we see nothing more than the black of the ink and the white of the paper, which do not supply the place of colours, but only of light and shade. We may enjoy the study of prints in our portfolios; and there is no reason why we should not see the same wonderful mastery over light and shade displayed upon our walls. Engravings of course can only be executed upon a small scale, and, consequently, they in some degree strain the eyes; it is a great advantage to see objects in the large; and it seems to be necessary in order to produce a powerful pathetic effect. The Monochromatic works were highly esteemed, 'Jam vero Apellis, 'quam Græci Monochromaton appellant, etiam adoravi,' says Petronius Arbiter. The colour used by the ancients for this purpose is said to have been generally red, or of a reddish hue. It has also been conjectured, that the first painters began by copying statues, or reliefs, which were of one colour; and that one colour only was used on that account, in their earlier compositions. When such paintings in chiaroscuro are well done, due attention being paid to the peculiar style, it is hardly possible to distinguish them from reliefs.

Horace appears to speak of drawings in black or red chalk, like our Academy figures, but delineated on a wall :—

> " Aut Placideiani contento poplite miror
> Prælia rubricâ picta, aut carbone, velut si
> Revera pugnent, feriant, vitentque moventes
> Arma viri ?" C. ii. Sat. 7. v. 97.

The commentators will not agree whether these works, which attracted the attention of the slave, were well or ill done ; whether they were vile scrawls or spirited drawings. It is not to be denied that a painting in fresco is a less saleable article than one on canvass ; but on that very account it has its advantages. The tendency of such works to counteract the prevailing disposition of considering all things as merchandise, as exchangeable values ; to make men attach an importance to places, and to restore and fix the love of home, of some particular spot and country, a feeling which is now fast vanishing, may not be without its policy and use. In such paintings, and in its architectural ornaments, a city retains vestiges of its former grandeur long after its more perishable glories have faded away. In baths and caves, in tombs and sepulchral chambers, we still find precious morsels of Roman workmanship, and Egypt abounds in paintings of much less elegance, but of far higher antiquity.

By the accumulation of earth and of ruins, the arched chambers on the ground floor of ancient buildings became grottos or caverns under ground, and gardens and vineyards were planted over them ; hence the ancient paintings and other ornaments found there were called grotesque. ' Of the three kinds of ' painting,' these are the words of Baldinucci, ' in oil, distem- ' per, and fresco, the first is well known ; the second is not to ' the present purpose ; the last is making pictures upon a wall, ' or ceiling, or so forth, where the surface has been covered with ' lime, which we call plaster, and it is called fresco, that is fresh, ' because, in order to produce a good work, that the painting ' may not be spotted, and to avoid other inconveniences, and to ' ensure the permanence of the work, it is necessary that it ' should be completed whilst the plaster is fresh. No other co- ' lours are commonly used except earths, or those which are na- ' tural products ; those which have been made by art, and espe- ' cially those which are changed by heat, require to be laid upon ' perfectly dry substances, and will not agree with lime, or bear ' the dews of night, or damp weather, they are therefore never ' used. The white is lime, especially that which is made from ' burnt travertine.' The whole surface of the wall is not covered at one time ; a small piece only is laid, as much as the artist can complete whilst it is moist ; some more plaster is then

added, either adjoining the former, or on any part of the wall that is more convenient, and thus by degrees the whole is covered. The joinings of the different portions are distinctly visible, running in wavy lines, like coasts and rivers on a map; but the painter generally contrives that they should fall in shaded parts, and wherever they will be least visible, and interfere least with the effect of the picture.

The design, a drawing upon strong paper, called from that substance the cartoon, is placed against the wall, and the outlines are traced through it with the leg of a pair of compasses, or some such instrument, which pressing hard upon the paper, marks the soft plaster behind it. On nearly inspecting a fresco, the outlines may always be found thus engraved on the wall. The manipulation of the ancient frescos that have been rescued from the ruins of Herculaneum and Pompeii, is said to be very admirable, and in many respects superior to that of more modern artists. The colours have already been subjected to chemical analysis; and a skilful artist, well acquainted with the modern mode, in accurately copying some of these ancient works in the same manner, would doubtless discover many, if not all, of the peculiarities of execution. Much may depend upon the due preparation of the wall, on laying the plaster properly, on the nature of the lime and sand which are used—the latter, it is said, ought to be very coarse, and of a large grain; and there may be much of traditional lore in these matters: But whatever men have done, men may do again; and no other country in the world can surpass the admirable skill of our workmen.

It has been confidently asserted, that painting in fresco is one of the lost arts; and we are referred in proof of the assertion to the works of the modern artists who have lately attempted it in Italy. It cannot be denied that their productions are failures; but they are not worse in proportion than the works in oil of the modern Italians, who are certainly worthy to be classed amongst the least successful of the painters of the present day. The colours when mixed with lime are more clear, transparent, and agreeable than when tempered with oil. The modern artists, however, have missed this great beauty; there is no purity, no clearness in their colouring; it is dark, dusky, and dingy, and of a muddy and dirty hue; some of them, in order to give that relief which they were unable to produce by the colours alone, have hatched over the whole of the performance with black lines, an expedient not less unhappy than barbarous. Many books contain directions for painting in fresco. It is difficult to learn an art from books alone, but they are powerful auxiliaries; and even if we must believe that it is one of the lost arts, we cannot doubt that

through the persevering industry of ingenious men, it may yet be found again.

All true friends to the arts must earnestly desire and would heartily rejoice in the revival of this most noble and masterly manner of painting, which was so great a favourite with the ancients, which demands and creates a sound and solid judgment, and needs very extensive practice, and is manifestly the most manly, secure, firm, and lasting means of fixing the splendid creations of genius. As we have begun to build houses upon a handsome scale in London, the lovers of art may venture to hope, that instead of spending enormous sums solely on the upholsterer for his fading ornaments, something may now be spared to the artist, for conferring on the walls unfading decorations of a far more delightful and intellectual kind. If the work be well executed, it will not suffer injury from being washed with clean and cold water; the soot may therefore easily be removed, which, in the smoky metropolis of Great Britain, would gradually accumulate and obscure the painted plaster. We may even imagine small foundations, the creations perhaps of the bounty of individuals, like the fellowships at our Universities. The fellow, a young artist of promise, might spend two or three years in painting the interior of a church, or other public building, maintaining himself meanwhile on his fellowship, on two or three hundred pounds a-year. If his work was successful it would introduce him to business, and another young artist might then succeed him on the foundation. A tribunal of artists, of a popular form, somewhat in the nature of a jury, to secure our edifices from being disfigured by slovenly and unseemly productions, might decide publicly upon the merit of the work, with one appeal to another similar court; and, if the ultimate decision was still unfavourable, the whole of the condemned work, or the offensive portions of it, might be sentenced to receive, after the manner of the reformers, a coat of plaster, or of whitewash; and thus fear, as well as hope, would stimulate the artist, who worked for the public, to do his best. The progress of the painting needs not to interrupt the ordinary use of the edifice; the public services might be performed on the Sunday, and the decoration of the church might proceed during the rest of the week. Persons who have seen the machinery now used for cleaning the windows of our cathedrals, and for similar purposes, will at once understand how the operations may be carried on without great trouble or expense, and with the perfect safety of the artist.

It has been justly remarked, that, if all the walls of a good aspect were covered with fruit-trees, the benefit would be great,

and the cost small; we may make a similar remark touching the inside of the same walls. In every building there are of necessity walls, and there is a ceiling, whether it be flat or coved. The ceiling is not only the part of the interior which is least liable to injury, or to be soiled by dust, or dirt, but it is also the best adapted to display the wonders of art; it has been called the painter's heaven, as being the seat of the famous '*di* '*sotto in su*,' of which it is said, 'E certo in questo genere si ri- 'unò in quella difficoltà una somma grazia, e molta bellezza, e 'mostrasi una terribilissima arte.'

The supreme grace, great beauty, and very terrible art, the δεινότης itself of painting, have been carried by the great masters to considerable height, but not to the utmost perfection. The ceiling has been painted as a sky, as a heaven inhabited by divinities, heathen or Christian, by heroes or saints; But it would admit many other subjects; it is the region of birds; the νεϱελοκοκκυγία of Aristophanes might be represented; various delineations of architecture, or perspective of rooms above, of the most beautiful and fantastical structure and decorations, might be displayed; the whole art of projection might be exhausted, and if beams and suitable supports were introduced, human figures might be shown employed in different manners, and in every posture.

The inside of our churches is usually painted of one colour, a muddy yellow, a dingy red, or a dirty blue; or they are whitewashed, and look like prisons or hospitals. The heathen mythology is an inexhaustible source of beautiful and admirable themes for the ingenuity of the painter; and they are, in all respects, the best adapted to afford full scope for his utmost and highest powers; but, in a Christian Church, such topics would be, to say the least, incongruous; in all other public buildings, however, they might be adopted freely and without restraint. A few subjects may be selected from Scripture, that are not unsuited for such a purpose; some persons would approve of these representations, being of opinion, that, if it be good to read of these acts, it is edifying also to view them, when painted: others might possibly condemn them, and hold that all exhibitions of human action would be inconsistent. In addition to the never-ending miracles of nature, animals, birds, trees, flowers, and fruit, foreign and strange, or such as are familiar, there are the triumphs of architecture, parts of cities, ancient ruins, restoration of temples, which might be frequently of the full size of the original; there are arabesques, grotesques, and every fanciful ornament. Wherever the magic of colours might be deemed too bright and glowing, there might be introduced

the more sober, but hardly less attractive, chiaroscuro; such delineations in fresco, where the shadows are greys and browns, have a striking and very powerful effect.

If, however, the objections to painting our Churches be deemed insuperable, we have buildings designed for civil purposes in abundance, which are well adapted for this species of decoration. In the enumeration of subjects suited for fresco, painted landscapes must on no account be omitted; some of the back grounds of the oldest masters are truly admirable in this way; they represent scenes, like those we see in Italy, where the sun finishes highly, pencils all objects carefully, and colours them brightly. The opinion has been taken up, that the climate of Great Britain would not permit our artists to adopt fresco painting, by reason of the cold and humidity. And it is true that our small country churches, with their little narrow windows, are, for the most part, horribly damp at all seasons: the walls are stained and disfigured with moisture, and frequently even overgrown with a green substance: But their dampness may be attributed to the small size, to the floor being generally lower than the adjoining ground, on account of the accumulation of earth from continual interments, but chiefly to the very defective ventilation. In a large building, where the air circulates freely, there is not the same quantity of moisture on the walls. Our cathedrals, although they are shut up closely, the doors being seldom opened, the windows never, are cold, but not damp. Westminster Hall, a great thoroughfare, and a place of public resort by day and night, especially in the season when the air is most humid; and of which the situation is unfavourable, being near the river, and on ground so low, that the floor has sometimes been flooded,—yet, because it is of a large magnitude, and constantly open, the walls, as the inhabitants of London well know, are not damp. If they were covered with fresco, it seems highly probable that the colours would last as long as in any other situation. It is not asserted that the mere coldness of the air, that frost alone, if the wall be kept perfectly dry, will destroy a fresco. In many of the German cities, and in the towns in the German cantons of Switzerland, we find houses of the same style of architecture as many in York lately were, and as many in Chester now are, but upon a larger and handsomer scale, the floors projecting above one another and over the street as they ascend. The outsides of these houses are painted with scriptural and historical subjects, of which the general effect is not disagreeable, and the execution frequently not without merit. The climate is more humid than even that of Great Britain, the frosts far more severe, and the changes of temperature much greater and more sudden; yet

many of these paintings, which are entirely exposed to the air, and are only defended from the rain and snow by the projecting roofs and the narrowness of the streets, are of great antiquity. They are frequently of a fresh appearance, and are interesting, if it be only to preserve old manners and customs; to show us what was formerly supposed in that region to constitute all the glory of Solomon, and the magnificence of the Queen of Sheba; how Joshua armed himself and all his host, and how the prodigal sons were used to feast. Before the Reformation, England, if we except perhaps Spain, was the most dutiful of the countries of Europe to the Holy See; the Church had larger possessions, both real and personal, than in any other land; a constant communication was kept up with Rome; and many Italian ecclesiastics were able, fortunately for themselves, to find their way here. There was much fertile land, the people were comparatively well off, and the country bore the proud title of merry, to distinguish it from other and less happy, because more serious, nations. The people of England, we fear, have at last forfeited that appellation; for now they sadden at amusement, and sicken and turn pale at a jest; so entirely have they forfeited it, that an ingenious critic cannot believe they ever possessed it; and has set himself accordingly to prove, that, in the old English, merrie does not mean merry, but sorrowful, or heart-broken, or some such thing!

It is not pretended, however, that it ever signified poor. There was always a certain amount of wealth in the country; and of that the Church had an ample share. We see in almost every county, either entire or in ruins, magnificent abbeys; and history informs us that their furniture was in all respects complete and equal throughout to the noble edifices. There were jewels and plate, sculpture and marbles; nor can we suppose (it is not, however, a case of supposition, for direct testimony of the fact might be produced, if it were needed) that pictures were wanting. It was easy to carry off jewels, to melt plate, to break statues and shrines, to tear the canvass of pictures; and it was equally easy to cause a fresco to vanish: a coat or two of white wash, of ochre, or smalt, or perhaps a new surface of plaster, buried in a few minutes the labour of months. The rude hand of a bricklayer's labourer, or apprentice, persons whom every village supplies every day in too great abundance, as philosophers say, for their own comforts, suppressed the master-piece of a genius, that nature scarcely furnishes to the world once in an age.

Well-turned arches, fine marbles, and sculptures, have been found under the whitewash and plaster in some of our cathe-

drals; and, in a few instances, they have been judiciously restored. It has been said that manifest traces of paintings on the walls have been sometimes observed, especially in the side chapels; whether by washing off the lime, or scraping it away, such paintings might be restored to light, is a question for experts. To persons who have witnessed the delicate operations of the chisel, and of other tools, in the hand of a sculptor, and who have watched the dexterity with which frescos themselves are frequently cut from their native walls, nothing seems impossible. These remains, however, are chiefly valuable because they encourage us to believe, that, since what has been may be again, if there were sufficient encouragement, our artists might successfully restore fresco painting in Great Britain. Men who view the Reformation only as lovers of art, and abstract all other considerations, are often disposed, on account of the indiscriminate destruction of all the precious monuments of art, as catholic or universal dilettanti, and not as Protestants, to regret it; however, if the walls of our cathedrals are once more covered with frescos, there will be less cause to moderate our Protestant joy, and to lament that the reform of religion was carried into effect so rudely.

It should seem that the inhabitants of London are more gregarious than other people, for they have assembled together in a larger body than in any other city. Yet they derive fewer advantages from living together than could well be imagined, or, without actual experience and observation, be believed. In truth, it does not deserve to be called a city; hardly a mass of congregated villages. Public institutions are almost entirely wanting; and some institutions so common in other countries, that there is more dishonour in wanting, than credit in possessing them. Where nearly every public institution for the mere necessary convenience of the people is absent, we cannot wonder that there is no provision for improving the mind, still less that no opportunities are supplied for forming the taste. 'Pascere 'gli occhi' is a forcible and just expression; but we have no such common of pasture in England; all our commons of every kind have been enclosed and appropriated long ago. That strong but vain desire, therefore, can rarely be gratified here. Even when the materials exist, where the food abounds, it is withheld. Even the lover of architecture is denied this gratification; for our public buildings, and particularly our cathedrals, which are the best of them, are always shut up. We say to *feast* the eyes—thus admitting that the pleasure is great, but implying also, that it is rare.

'Carolus de Rubeis, Civis Romanus,
Pietatis et amicitiæ memor,
Plurimis e tabulis a Salvatore
Rosa depictis,
Quas diu inter domesticas habuit,
Has Christi patientis figuras,
Privatis ab umbris,
Publicam in lucem
Exposuit,
A.D. 1677.'

This inscription in a church in Italy breathes a fine liberal spirit. Would that it were a little more diffused among our collectors! But unlike the generous Carlo de' Rossi, they love darkness better than light; the '*umbræ privatæ*' are preferred to the '*lux publica*.' A few instances, however, of liberality, which have lately occurred, encourage the hope of better days, and that the worst is past. When the spirit of generosity is once awakened, it will probably be shown by wealthy individuals in painting at their expense a portion of the walls or roof of some of our public buildings. Mediocrity, in poetry, is intolerable to gods and to booksellers, and to all intermediate beings; but, in painting, so that a certain good taste presides, it is less displeasing. In these days of travelling, it is easy to visit Italy, and to obtain a notion of the epithet painted; it would, notwithstanding, be agreeable for all classes to have near at hand the means of refreshing it occasionally. For the many (and strange to say, in this age we have actually begun to consider the many) it would be no inconsiderable advantage to be supplied with the means of gratifying a harmless taste and a natural curiosity.

Painting, were the use of it universal, would be a powerful means of instruction to children and the lower orders; and were all the fine surfaces, which are now plain, and absolutely wasted, enriched with the labours of the art, if they once began to appear, they would accumulate rapidly; and were the ornamented edifices open to all, as freely as they ought to be, a wide field of new and agreeable study would offer itself. A person, who thoroughly understood the well-chosen subjects, and was qualified to explain them to a stranger, could not be devoid of knowledge, nor could his mind want food for constant contemplation. The sense of beauty has hitherto been little cultivated in Great Britain; but it certainly exists, and shows itself principally in laying out gardens and pleasure-grounds with unrivalled skill.

That we may fully appreciate 'The History of Painting in 'Italy,' it is necessary to consider some of the other works of Lanzi, the principal of which is his learned Essay on the Etrus-

can and other ancient languages of Italy. It is entitled, 'Sag-'gio di Lingua Etrusca, e di altre antiche d'Italia, per servire alla 'storia de' popoli, delle lingue, e delle belle arti;' it occupies three volumes. He brings together all the Etruscan inscriptions which have been found on gems and medals, and whatever characters were met with on the pateræ, urns, vases, and marbles, that are scattered in different and distant collections. The placing them in one point of view was alone a great step towards explaining them. But he afterwards proceeds, with great learning and ingenuity, and not less modesty and caution, to expound and interpret the language, and to illustrate the obscure history of an ancient people, who deserve the notice of the antiquary, because, within the historical ages, they approached nearer to the Greeks in the cultivation of the fine arts than any other nation, and in more remote times, perhaps even preceded them. His remarks on the 'Tuscanica,' as the Roman writers term the Etruscan works of art, are not without interest; but the essay is for the most part grammatical, critical, and etymological, and therefore little adapted to the taste of readers in general, although it is interspersed with notes of a less severe character. The Treatise, entitled 'Notizie preliminari circa la Scoltura degli antiche, e i varii suoi 'stili,' is written in a more easy and popular manner; and might with advantage be extracted from the abstruse work, in which it is embedded. He divides ancient sculpture into four styles,—the Egyptian, the Etruscan, the Greek, and the Roman; discoursing, however, more fully of the Etruscan style, as being more intimately connected with the subject of his work. If his remarks on that style savour somewhat of his peculiar prepossessions and theories, he makes ample amends by his admirable observations on that sculpture, in which even the most fastidious can find nothing to blame but its beauty, the Grecian. It is obvious, without referring to his other productions, that an author, who is at once so learned and highly accomplished, so enthusiastic and industrious, as this essay proves him to be, is well qualified to do justice to any subject, which has the good fortune to be the object of his choice.

The History of Painting is by no means large in size; the volumes are small; and the last of the six consists entirely of useful indexes. When we have perused the work, and consider the number of painters, the great quantity of historical matter, the numerous anecdotes, the solid and sensible criticism, and the vast mass of valuable information, and especially the astonishing variety of original and striking ideas, that are expressed in a brief terse style, in five volumes, we are surprised at the comprehensive shortness of this highly estimable work. We

are delighted to find much of the ancient simplicity in the elegant and classical style of these golden pages, from which, more than from any other book, and perhaps as much as it can be derived from books, we are able to attain an idea of the wonderful genius of the Italians for the fine arts. It is well adapted to form the taste correctly; and is a faithful guide to travellers, many of whom, having examined the works upon which Lanzi delivers his opinion with his review in their hands, have bestowed upon him this expressive, strong, and hearty panegyric, 'that he is a fine fellow.'

The Abate shuns the common error of excessive citation, which, he justly says, is tiresome, and condemns the Germans for their addiction to this vice. The division of painters into schools, as unequal in the space they occupy in history, as the respective masters are in merit, is very imperfect, like all arbitrary divisions; if it be adopted, however, not as an article of faith, but as a matter of convenience, it is not without its use. The division is sometimes perhaps painful, and the distinctions are often ill ascertained; but it is necessary to bear with the defects of artificial systems, because they are convenient for the purposes of memory and of reference. The student will derive these benefits from the system, and if, in discourse or writing, he should chance to make a mistake, if such a name can be applied to differing from others in a case that is not well settled, although he may afford a triumph to pedants, who claim an indispensable right to rule uncontrolled over matters of no concernment, let him console himself by the reflection, that the mistake is perfectly unimportant. In composing such a history, it is difficult to make a judicious selection; to leave out well is no small art.

It has been urged, that Lanzi claims too many painters as belonging to the Florentine school; if this censure be well founded, the offence was at least a natural one, and we can pardon his patriotism: others, as Baldinucci, have been still more patriotic. He says, and perhaps not untruly, that the fine arts were revived by Cimabue and his pupil Giotto, and were spread by their means through Italy and the world. The only parts of the Lives of the Painters which do not interest the general reader, are precisely those which were the most interesting to the different authors; their squabbles with one another. The Abate occasionally exhibits a little sparring, that can only attract the attention of Florentines. His Index rerum, 'di alcune cose notabili,' is too short; it would be more useful were it more full. The work of Lanzi, of course, will seem greatest and most wonderful, to those who do not know how books are made, or that

they are of a gradual growth, the successive deposits of several generations—to those who have not seen the materials out of which it was formed, the works of Vasari, Baldinucci, Pascoli, Bottari, and of many others.

The lives of the painters have commonly been written in a manner worthy of gentlemen, scholars, and men of talent, of themselves, and of their marvellous works. The commencement of the Life of Leonardo da Vinci in Vasari, is a good specimen of the tone in which the biography of a great man ought to be written. 'We see the greatest gifts showered down by 'the celestial influences upon human beings, many times naturally, and sometimes even they are preternatural: thus beauty, 'grace, and excellence, (*virtù,*) rush down together headlong on 'the same person, so that which way soever he turns himself, 'every action appears so divine, and he leaves so far behind him 'all other men, that he makes it plainly manifest, (as in truth it 'is,) that these are gifts of God, and are not acquired by human 'art. This men saw in Leonardo da Vinci, in whom, besides a 'beauty of person, that can never be sufficiently praised, there 'was a more than infinite grace in every action; and so great 'and so absolute was his excellence, (*virtù,*) that to whatever difficult matters he turned his mind, he brought them to perfection with ease. There was in him a mighty power united with 'dexterity; a soul and a worth that were ever royal and magnanimous; and the fame of his name extended itself so greatly, 'that not only in his own time he was held in estimation, but 'augmented far more with posterity after his death,' &c. &c.

It is in this spirit of encouragement that the biographer ought to sit down to write the life of a great man. Lanzi complains that some of his predecessors have been too minute, and have detailed many very unimportant circumstances in the lives of painters. It is doubtless fitting and expedient that there should be works, in which these smaller matters are omitted; when we contemplate, however, the productions, not only of the first, but of the second and third-rate masters, we grow so fond of them, and, as it were, so enamoured of the individual, that we feel obliged to the writer for communicating the most trifling particulars of his private life. Besides, these little anecdotes are aids to the memory; we remember them easily, and other more important matters, which are perhaps less adhesive in themselves, cling to them, and are recollected by their assistance. Through love for Giotto, we are glad to read even his jests; for he, like most men of talent, was a wit. Let us forgive him then for being amusing, although Lanzi will not. The good Abate has a right to consider such light matters as lying

far beneath the dignity of history, and to be as serious as he pleases; but he should suffer other men to enjoy their laugh: 'sic utere tuo, ut non lædas alienum,' is a just maxim; so use your own gravity, that you hurt not, nor impede the facetiousness of other men. What harm is there in such an anecdote as this? 'One day when Giotto was taking his Sunday walk, in 'his best attire with a party of friends, in the *Via del Cocomero* 'at Florence, and was, as usual, in the midst of a long story, 'some pigs passed suddenly by, and one of them, running be-'tween the painter's legs, threw him down. When he got on 'his legs again, instead of swearing a terrible oath at the pig 'on the Lord's day, as a graver man might have done, he obser-'ved, laughing,—"People say these beasts are stupid, but they "seem to me to have some sense of justice, for I have earned "several thousands of crowns with their bristles, but I never "gave one of them even a ladleful of soup in my life!"' The anecdotes are more amusing and valuable, because men of genius, and especially artists, have commonly been highly eccentric. It is not to be denied, however, that if the lives of the painters were written at full length, they would make a work of an enormous size; on the other hand, we may reply confidently, that however long the collection might be, it would to many seem too short. It is one powerful and irresistible charm, that they had all the simplicity which characterises genius and true greatness; we too often, on the contrary, feel tempted to say, in these disingenuous days, when we have been in company with any distinguished person,—he is a great man, no doubt; but he is evidently a great quack also.

The effect of introducing a work of merit on any interesting science, is to give an impulse to the study of that science, and to induce the public to consult other works that treat of it. This effect Mr Roscoe's labours are well calculated to produce; and he deserves, and will receive, the thanks of all lovers of the fine arts, for his contribution towards the advancement of objects, which they have much at heart, and which they consider of high importance.

The reward of literary labour, and especially of translation, which is by no means the least useful, is unfortunately extremely low, in proportion to the large remuneration which less difficult and less valuable exertions receive in Great Britain. The history of art is the most interesting portion of history; and it is a most desirable thing to have learned and erudite eyes. These and similar considerations press now upon our minds; and make it appear to be more just, as well as more gracious for us, to repeat our approbation of Mr Roscoe's design, rather than minutely to

pry into the execution of it; to search for inaccuracies, and to make a catalogue of mistakes. He has here afforded his countrymen another opportunity to acquire some knowledge of the fine arts, and of their history, which assists the mind in reflecting upon the productions of the great masters; teaches us to admire them upon sound principles, and redoubles the pleasure of contemplating them, and so shows the truth of the ancient saying, that the most wise are the most happy. This knowledge, moreover, as Lanzi well observes in another work, forms, in the present day, a necessary part of polite education. 'L' 'avere qualche cognizione di belli arti, e della storia di esse, 'forma oggimai una parte della civile coltura: ajuta la mente 'a riflettere su le produzioni dei grandi artefici; insegna a lo 'darle con fondamento; radoppia in vederle il piacere: verifi- 'candosi in questi casi, ancora, quell' antico detto: che il più 'sapiente è il più beato.'

ART. V.—*Economie Politique, Ouvrage traduit de l'Allemand de M. Schmalz.* 2 tomes. Paris, 1826.

CONSIDERED as a scientific treatise, this work is not of very great value. The author does not appear to be acquainted with the great discoveries that have been made in Political Economy in this country during the last fifteen years, and which have given a new aspect to the whole science. M. Schmalz, on the contrary, is attached to the system of M. Quesnay; and endeavours to prove the superiority of agriculture to the other branches of industry, on account of its yielding a *produit net*, or rent, to the landlord, over and above the common and ordinary profit on the capital employed in cultivation. He has not adverted to the fact, that when agricultural industry is most productive, that is when none but the best of the good soils are cultivated, no rent, or *produit net*, is obtained from the land; and that rent only begins to appear when the productiveness of the capital employed in agriculture begins to decline, or when it becomes necessary to force superior soils, or to resort to those that are of inferior fertility, to obtain supplies of food for an increasing population.

Luckily, however, scientific discussions embrace only a very small portion of M. Schmalz's work. By far the greater part of it is of a practical character, and is deserving of every commendation. The author is a most able and intelligent advocate and expounder of those great principles of security and freedom, with-

out which no people can make any considerable progress in the career of civilization. He has set the injurious effects of restrictions on the free disposal of property and industry, and the pernicious influence of monopolies, whether in favour of the crown or of individuals, in the most striking point of view. Various abuses in the domestic economy of the Prussian States are specified; not factiously, however, but with the considerate freedom of a philosopher, anxious to promote the real interests of prince and people, and aware, at the same time, of the danger of rash and ill-considered attempts at innovation, and of the difficulties and obstacles to be encountered in every project of reform. We are glad to learn that the work has been very successful in Germany: for its circulation cannot fail to be productive of great advantage. And as it is written by a privy councillor of his Prussian Majesty, and is dedicated to the Prince Royal, it shows, what indeed was otherwise sufficiently known, that the principles advanced in it are not regarded unfavourably by the government.

M. Schmalz sets out with a brief statement of his leading or fundamental principles; which, as has been already observed, are identical with those of the French Economists. He then proceeds to inquire into the circumstances common to the different professions, and the means by which they may be made most productive. We extract his remarks on two of the divisions into which he has distributed this part of his work:—

'Les Professions ne prospèrent que par la justice et la liberté. Avons nous besoin de rappeler que partout où la sûreté individuelle est sans garantie, l'industrie est inactive et sans vie? On sait assez que le despotisme a appauvri, autant que la beauté du climat et la fertilité du sol ont pu le permettre, les contrées autrefois si riches de l'Asie-Mineure et de la Grèce. Que ne seraient pas ces contrées sous un gouvernement protecteur de la sûreté et de la liberté individuelles! Lorsque l'arbitraire peut à tout instant dépouiller l'homme du fruit de son travail, comment prendrait-il la peine d'acquérir? Comment, sous un gouvernement despotique, tout ne languirait-il pas dans la paresse et la misère? Un individu parvient-il, par l'exercice d'une industrie cachée, à se procurer quelque gain? il l'enfouit aussitôt, dans la crainte d'exciter l'avidité du pacha et de ses délégués. Le possesseur de ce capital enseveli n'ose le prêter à son voisin, pour l'employer dans son commerce, étendre ce commerce et le faire prospérer.

"On voit, par-là, combien sont bornées les vues d'un gouvernement despotique, où toutes les lois de la justice ne sont pas garanties. Si les exactions d'un despote peuvent arracher d'un pays quelques millions; sous un gouvernement sage, dans un état de liberté, ce même pays en produirait mille fois davantage.

'Le bénéfice que fait un citoyen profite à tous les autres.—La plus douce satisfaction qu'un prince puisse éprouver, c'est de voir ses su-

jets accroître progressivement leur aisance, et assurer celle de leurs enfants, par le travail. Or, plus un métier profite à celui qui l'exerce, plus il atteint ainsi son but, et plus il prospère. Et, sous le règne de la liberté, un bienfait admirable de l'ordre social, c'est que, par un enchaînement vraiment merveilleux, le succès, la fortune de l'un, loin de porter préjudice à la fortune des autres, lui est au contraire favorable. Car, lorsque tous les membres d'une société peuvent librement exercer leur industrie, comment l'un d'eux s'enrichirait-il au détriment d'autrui? Nul ne peut gagner dans la profession qu'il exerce, qu'autant qu'il est utile par cette profession à ses concitoyens; et ceux-ci n'ont recours à lui, que parce qu'ils en retirent de leur côté un avantage réel. Au contraire, lorsqu'un absurde système de banalité investit quelques privilégiés du droit exclusif de pourvoir à tous les besoins des autres habitants du pays, de s'enrichir sans peine à leurs dépens, indubitablement ceux-ci s'appauvrissent.' Tome i., pp. 58, 59.

M. Schmalz then goes on to treat of agricultural, manufacturing, and commercial industry, and of the circumstances most favourable for their progress. He next investigates the principles of the mercantile or exclusive system of political economy; and having shown the fallacy and contradiction of the principles on which it is founded, he proceeds to discuss the systems of Smith and Quesnay. His partiality to the latter, has led him to espouse some erroneous theories; but his practical conclusions are almost all sound and liberal.

Having unfolded his system with respect to the production of wealth, and endeavoured to exhibit the great and universal principles on which the progress of society depends, M. Schmalz goes on, in the next and most important part of his work, to consider in what cases, in what way, and to what extent, Government may advantageously interpose to promote the progress of opulence and civilization. It is, indeed, impossible, owing to the changes that are perpetually occurring in the internal economy of nations, and in their external relations in respect of others, to draw any distinct line of demarcation, between what may be called the positive and negative duties of governments; or to resolve what Mr Burke has justly called one of the finest problems in legislation, that of determining 'what the state ought 'to take upon itself to direct by the public wisdom, and what it 'ought to leave, with as little interference as possible, to individual exertion.' But although it may be impossible previously to decide upon the measures that ought to be adopted in particular emergencies, there is, speaking generally, no great difficulty in deciding as to the system of policy best calculated, under ordinary circumstances, to give the greatest activity to industry, and to call forth all the resources of talent and ingenuity. In the organization of specific measures, such as the imposition of

new taxes, or the formation of regulations for particular branches of industry, greater difficulties may be experienced; and the greatest caution, joined to an intimate knowledge of the condition and mechanism of society, and of the mode in which each separate interest affects, and is in its turn affected by others, are then indispensably necessary. Without this knowledge, the best intentions may be frustrated; and measures intended to promote the progress of improvement, may become productive only of ruin.

Those who take M. Schmalz for a guide, will very rarely fall into any considerable mistake in deciding as to the system of public economy best suited to promote the general welfare. He has shown, that the duty of a government, in so far as respects the advancement of its subjects in wealth and civilization, principally consists in the maintenance of security and good order, in the removal of obstacles to the free disposal of property and the exercise of industry, and that it ought carefully to abstain from attempting, by regulations, to guide or influence the pursuits of individuals.

'La tâche de l'Economie politique consiste donc bien davantage à enseigner et démontrer ce qu'un gouvernement ne doit point entreprendre, que ce qu'il ne peut se dispenser de faire: et il faut poser en principe, que tout gouvernement doit soigneusement s'abstenir d'imposer une direction aux différentes professions; qu'il doit se borner à prescrire ce qu'exigent impérieusement la sûreté et la bonne foi dans l'exercice de toutes les professions; comme, par exemple, les moyens propres à maintenir l'exactitude des poids, des mésures, et des monnaies; à lever et écarter tous les obstacles qui pourraient entraver la liberté de l'industrie, sans même songer à sacrifier le droit d'un seul individu à l'utilité générale; à garantir le peuple des malheurs physiques et naturels, de même que, par la distribution de la justice, il le garantit de la négligence ou de la méchanceté des hommes.'

M. Schmalz has very clearly shown the advantages resulting to the progress of national wealth, from the establishment of a system calculated to ensure the speedy, cheap, and effectual administration of Justice. His remarks on the education of the lower classes; the formation of roads; the regulations proper to be observed with respect to the issue of money, the uniformity of weights and measures, &c. evince, for the most part, a familiar acquaintance with the soundest principles. In his chapter on 'the Establishment of Posts,' we meet with the following observations on the disgraceful practice, so common in France previously to the Revolution, and still, we believe, practised in many of the continental states, of employing government agents to open and examine the letters of private individuals.

'Le peu de respect que l'on a généralement pour le secret des lettres ne se voit pas sans exciter l'indignation. Ces lettres sont remises aux bureaux des postes, avec toute la confiance que l'autorité publique doit inspirer; et cette autorité vioïe sa parole, ouvre les lettres, et pénètre dans les secrets d'une famille! Comment se peut-il que le gouvernement autorise un semblable abus? Et, si cette ouverture des lettres n'est pas défendue dans les termes les plus précis, menacée des peines les plus infamantes, si le gouvernement lui-même en donne l'exemple, pourra-t-on prévénir efficacement ce scandaleux et préjudiciable abus? N'arrivera-t-il pas qu'un buraliste, ou tout autre employé vénal et corrompu, violera le secret des correspondances, trahira les spéculations des négociants, et, les livrant à d'autres, les fera ainsi avorter? Cet outrage révoltant fait à la bonne foi, et ses résultats funestes, sont la conception et le fruit de cette police secrète, qui coûte beaucoup, et qui n'est jamais d'aucune utilité. Ce que ne découvre pas la police ordinaire et publique ne sera pas mieux découvert par cette police extraordinaire et secrète. Et, d'ailleurs, qu'est-ce donc qu'un gouvernement qui peut craindre les trames obscures et cachées de quelques brouillons factieux, et qui a le besoin de leur opposer des armes autres que ses droits, sa force, et la droiture de ses principes et de ses intentions? La justice, informée par les voies légitimes et légales de l'existence ou de la présomption d'un délit, peut en suivre la trace jusque dans le secret des correspondances, saisir les lettres aux bureaux des postes et les ouvrir: mais la justice seule a droit de recourir à de semblables mésures, et elle ne doit le faire que lorsque quelques actes, quelques faits graves, motivent et justifient ses soupçons. La police secrète ne sert même au despote, que pour satisfaire sa curiosité et ses craintes continuelles; elle ne lui fournit aucun renseignement utile et dont il puisse réellement tirer avantage. Tout bon gouvernement, au contraire, saura bien, sans mettre en usage de semblables moyens, sans commettre de telles violences, comment il doit administrer selon les règles du droit et de l'équité. Ainsi, le sceau des lettres devrait toujours être inviolable et assuré, pour l'administration elle-même, jusqu'à ce que les tribunaux, légalement prévenus de l'existence d'un délit, aient judiciairement décrété la saisie de ces lettres.'

Perhaps, however, the most interesting portion of M. Schmalz's work, is that where he points out the mischievous consequences that have resulted from the interference of government with the pursuits of individuals, and particularly with those of merchants. His arguments in favour of the unrestrained freedom of importation and exportation are conclusive and unanswerable; and we understand that they have had no inconsiderable influence in stimulating the Prussian government to persevere in that liberal and enlightened course of commercial policy which it has had the merit of having steadily pursued since the peace, notwithstanding the clamours of the manufacturing classes of its subjects, and the provocation caused by the exclusion of its corn and timber from the ports of England. As useful truths, espe-

cially when they happen to be opposed to the interests and prejudices of powerful classes, cannot be too often repeated and enforced, we shall make a few extracts from this part of M. Schmalz's work. Arguments, too, intended to show the expediency of allowing the free importation of British goods into an extensive kingdom will, perhaps, meet with more favour in our eyes, than the same arguments intended to show the expediency of allowing the free importation of foreign goods into Britain.

'Quand les fabriques travaillent à meilleur marché et mieux, ou même à aussi bon marché et aussi bien, que les fabriques étrangères, la prohibition est sans objet. On prohibe, précisément parce que le fabricant étranger vend à meilleur marché. Comment imagine-t-on qu'il soit plus avantageux à une nation d'acheter cher ce qu'elle pourrait avoir à plus bas prix? Supposons, par exemple, que, chaque année, une nation emploie six millions d'aunes de toile de coton; qu'en les achetant de l'étranger, elle puisse se les procurer à raison de 6 gros l'aune, et que ses propres fabriques ne puissent les lui fournir qu'à raison de 12 gros: la toile de coton étrangère que cette nation achèterait, lui coûterait un 1/2 million d'écus, tandis que la même quantité de toile de coton produite par ses propres fabriques, lui reviendrait à trois millions d'écus. On ne peut se persuader et vouloir persuader aux autres, qu'il est avantageux, pour cette nation, de payer, chaque année, pour la toile de coton dont elle fait usage, un 1/2 million de plus qu'elle ne pourrait le faire. Tous les pères de famille, dépensant pour la toile de coton proportionnellement davantage, épargneront sur un autre article de dépense; et leur épargne, à cet égard, sera une soustraction faite aux autres agents de l'industrie sur ce qu'ils auraient pu gagner par leur travail. Quiconque aura dépensé dix écus de plus en toile de coton, dépensera dix écus de moins en viande, en bière, etc.: ce qui sera une perte pour le boucher, pour le brasseur, et pour les producteurs qui fournissent les bestiaux et l'orge; sans calculer que le boucher et le brasseur euxmêmes sout obligés de consommer moins, que d'autres souffrent de leur épargne, et sont par conséquent forcés à leur tour de restreindre leur dépense, etc.

'D'un autre côté, les fabricants qui, par suite de la mésure prohibitive, contraindront leurs concitoyens à accepter leur toile, éluderont eux-mêmes cette mésure. Comme, dans la proportion ci-dessus indiquée du prix de 12 à 6 gros, il leur en coûte 50,000 écus pour fabriquer ce qu'ils peuvent acheter de l'étranger pour 25,000 écus, ils ne seront pas assez dupes pour prendre la peine de la fabrication. Ils laisseront deux ou trois de leurs métiers en activité, pour sauver les apparences, achèteront la toile à l'etranger, l'importeront dans le pays par voie de contrebande, et extorqueront ainsi l'argent de leurs concitoyens. Ce ne sont ni la prospérité de leur industrie ni le bien-être de leurs ouvriers qu'ils ont en vue; ils aspirent à un monopole qui les dispense des embarras de la fabrication et de la peine de réfléchir sur les moyens de perfectionner leurs produits. C'est donc un mauvais et faux prétexte que celui qui est usité et habituellement mis en avant, et qui consiste à dire que l'on subvient, par les fabriques, à l'entretien des ouvriers. * * *

'On a proposé un milieu entre la liberté du commerce et les faveurs accordées aux fabriques qui ne peuvent pas se soutenir par elles mêmes. On a proposé de permettre l'introduction des productions des manufactures étrangères, en les assujettissant à une forte imposition.

'Cependant, cela n'empêche pas qu'une fabrique qui ne saurait se soutenir sans le secours de l'Etat est défavorable, par cela même; puisque toute la nation se trouve, dès-lors, dans la nécessitié de payer les produits de cette fabrique trop cher. C'est pour cela qu'elle ne devrait point exister. En effet, personne ne l'entreprendrait sans secours: pourquoi vouloir la soutenir? La liberté du commerce devant avoir pour but d'empêcher que la nation ne paie cher ce qu'elle peut avoir à bon marché, la forte imposition à laquelle on assujettit les marchandises étrangères est, sous le règne de cette liberté, une contradiction manifeste.

'En outre, la forte taxe dont on frappe les marchandises étrangères, loin de favoriser nos manufactures, ne fait qu'encourager la contrebande, et elle y provoque d'autant plus, que la taxe est plus considérable. Toutes les mésures pour l'empêcher n'aboutissent à rien. Plus il y a de surveillants, et plus la contrebande est facile; parce que plus il y a de surveillants, et plus il peut aussi se trouver, parmi eux, de gens qui se laissent corrompre. En Europe, cette contrebande est si considérable, qui le tiers de toutes les marchandises qui devraient être soumises a l'impôt ne le paie pas. Les compagnies de commerce peuvent facilement s'en convaincre, en comparant le prix des marchandises étrangères dans le lieu où les taxes sont établies, avec le prix de ces marchandises dans le lieu d'où elles viennent, en ajoutant à ce dernier prix les frais de transport, l'impôt, et ce que le négociant doit gagner. Mais, depuis long-temps déja, l'expérience a dû leur démontrer cette impossibilité d'empêcher la contrebande. La réduction de l'impôt, la facilité des formalités à observer, voilà quels sont les seuls moyens de la diminuer

'Serait-ce parce qu'une fabrique défavorable existe, que l'on voudrait la soutenir? Mais, parce qu'une chose est reconnue nuisible, estce une raison pour vouloir la conserver? Il est nécessaire, dit-on, que les ouvriers vivent. D'accord; mais ne peuvent-ils vivre absolument que par la travail que la fabrique leur procure? Comment subsisteraient-ils si l'entrepreneur de la fabrique venait à faire faillite, ou si le caprice de la mode faisait tomber la fabrique? Tant qu'il existe des terres non défrichées, ou que les terres défrichées sont susceptibles d'une culture plus utile, l'ouvrier actif trouvera toujours à vivre; et il faut même peu de temps pour l'habituer à un autre genre de travail.

'Remarquez bien que la liberté de l'industrie et des métiers est utile, non seulement parce qu'elle fait prospérer les fabriques utiles et profitables qui provoquent à la reproduction des fruits de notre sol, mais encore parce qu'elle empêche les fabriques préjudiciables de s'établir ou de se perpétuer. Les fabriques utiles sont celles qui nous fournissent leurs marchandises à meilleur marché, et les fabriques nuisibles, celles qui nous procurent les leurs à un plus haut prix que nous ne les paierions sans elles. * * *

'On a répété souvent que, depuis 1813, les Anglais mévendaient

leurs marchandises aux foires de l'Allemagne ; et cela, dans l'unique vue de ruiner les fabriques allemandes et de s'arroger le monopole universel. S'imagine-t-on que les Anglais soient tout à la fois assez riches et assez insensés, pour perdre ainsi des millions pendant plusieurs années consécutives ? Vendent-ils donc, à un sol, de plus, partout ailleurs qu'en Allemagne ; et le pourraint-ils ? S'ils vendaient, en Allemagne, leurs toiles de coton, à raison d'un sol à meilleur marché qu'en Amérique, le négociant américain n'en achèterait pas une aune directement de l'Angleterre, il s'en pourvoirait aux foires d'Allemagne.

'On a voulu qu'il y eût du patriotisme à consommer une production indigéne, de préférence à une production étrangère. Et comment peut-on jamais consommer autre chose qu'un produit de son sol ou de son industrie ? Pour nous procurer le produit étranger, ne faut-il pas que nous produisions ou que nous fabriquions nous-mêmes une marchandise indigène, afin de pouvoir l'échanger ? Peu importe que nos producteurs fassent de la bière avec leur orge, qu'ils déjeunent avec des soupes à la bière, ou qu'ils vendent leur orge, et achètent du café avec l'argent qu'ils en retirent. En définitive, c'est toujours leur orge qu'ils ont consommée. Comment se procurer, dans les pays du Nord, le vin qui s'y boit, si l'on n'y était pas en état de le payer ? et comment pourrait-on le payer, si l'on n'avait pas vendu le blé et les autres productions de ces pays, et touché par ce moyen l'argent avec lequel on y acquitte les lettres de change tirées pour le prix du vin qu'on y a envoyé ? Il est encore évident, par cet exemple, que, tout bien considéré, en buvant du vin, nous consommons cependant notre blé.

'On a pensé qu'à la vérité l'on ne doit pas continuellement accorder des secours et des faveurs aux fabriques, qu'il était seulement necessaire de le faire, au commencement de leur établissement, pour les encourager et les mettre en activité. Mais, en premier lieu, on sera donc toujours obligé, jusqu'à leur mise en activité, d'acheter cher ce que l'on aurait pu avoir à bon marché. Qu'est-ce qui indemnisera de cette perte les citoyens imposés, en outre pour contribuer aux dons et avances faits à la fabrique ? En second lieu, ne s'agit-il que d'avances provisoires pour établir la fabrique et lui donner l'activité ? il se trouvera bien des capitalistes qui spéculeront sur ces avances et qui les fourniront. L'Etat n'est point assez riche pour le faire : car nous répétons qu'il ne peut demander d'impôts que pour la sûreté et l'utilité générales, et non pour gratifier quelques individus au detriment de tous les autres. Enfin, de pareilles fabriques ne prospèrent guère, et jamais, peut-être, elles n'ont été rendues florissantes par les dons et secours que le gouvernement leur a faits. Quelle expérience a-t-on faite d'une fabrique ainsi favorisée qui ait pu se passer par la suite des secours à elle accordés ? on n'en saurait citer un seul exemple, si ce n'-est qu'il ne se soit rencontré quelques circonstances particulières et indépendantes des dons de l'Etat, qui lui aient été utiles, et qui l'auraient également soutenue, quand bien même elle ne l'aurait pas été par l'Etat. Tout avantage concédé à une fabrique par le gouvernement la paralyse, parce que les entrepreneurs, comptant sur l'appui et la générosité de l'Etat, négligent de rehausser eux-mêmes leur industrie.' Tome ii., p. 146, &c.

These passages are sufficient to show the spirit in which the book is written; and it is an auspicious omen that a publication in which such principles are advocated should have obtained a large circulation, and been ushered into the world under Royal patronage.

We should not be surprised, however, were M. Schmalz to become a favourite with our monopolists. They are quite ready to do justice to any argument in favour of a more liberal system of commercial intercourse—so long as it does not affect themselves. It is obvious, however, that every sentence urged by M. Schmalz in favour of the free importation of English manufactured goods into Prussia, may be equally urged in favour of the policy of allowing the free importation of Prussian corn into England. The reasons in favour of the latter are indeed much stronger than those in favour of the former; for as corn is an article of prime necessity, and as it forms the principal part of the subsistence of the labourer, it must be of infinite importance that its price should be as low, and its supply as constant and equable as possible—advantages which can be realized only by means of the unrestrained freedom of the corn trade.

We shall, perhaps, enter in our next Number into an examination of the late American tariff—a measure, destined, we think, to be as ruinous to the best interests of the American people, as it is disgraceful to the intelligence of the American legislature. It would be an insult to Prussia to contrast her commercial system with that of the United States. The framers of that tariff seem to have taken the policy of Austria and Naples for their model.

ART. VI.—*The Constitutional History of England, from the Accession of Henry VII. to the Death of George II.* By HENRY HALLAM. In 2 vols. 1827.

HISTORY, at least in its state of imaginary perfection, is a compound of poetry and philosophy. It impresses general truths on the mind by a vivid representation of particular characters and incidents. But, in fact, the two hostile elements of which it consists have never been known to form a perfect amalgamation; and at length, in our own time, they have been completely and professedly separated. Good histories, in the proper sense of the word, we have not. But we have good historical romances, and good historical essays. The imagination and the

reason, if we may use a legal metaphor, have made partition of a province of literature of which they were formerly seised *per my et per tout ;* and now they hold their respective portions in severalty, instead of holding the whole in common.

To make the past present, to bring the distant near,—to place us in the society of a great man, or on the eminence which overlooks the field of a mighty battle, to invest with the reality of human flesh and blood beings whom we are too much inclined to consider as personified qualities in an allegory, to call up our ancestors before us with all their peculiarities of language, manners, and garb, to show us over their houses, to seat us at their tables, to rummage their old-fashioned wardrobes, to explain the uses of their ponderous furniture,—these parts of the duty which properly belongs to the historian have been appropriated by the historical novelist. On the other hand, to extract the philosophy of history,—to direct our judgment of events and men,—to trace the connexion of causes and effects, and to draw from the occurrences of former times general lessons of moral and political wisdom, has become the business of a distinct class of writers.

Of the two kinds of composition into which history has been thus divided, the one may be compared to a map, the other to a painted landscape. The picture, though it places the object before us, does not enable us to ascertain with accuracy the form and dimensions of its component parts, the distances, and the angles. The map is not a work of imitative art. It presents no scene to the imagination ; but it gives us exact information as to the bearings of the various points, and is a more useful companion to the traveller or the general, than the painting could be, though it were the grandest that ever Rosa peopled with outlaws, or the sweetest over which Claude ever poured the mellow effulgence of a setting sun.

It is remarkable that the practice of separating the two ingredients of which history is composed, has become prevalent on the Continent as well as in this country. Italy has already produced a historical novel, of high merit and of still higher promise. In France, the practice has been carried to a length somewhat whimsical. M. Sismondi publishes a grave and stately history, very valuable, and a little tedious. He then sends forth as a companion to it a novel, in which he attempts to give a lively representation of characters and manners. This course, as it seems to us, has all the disadvantages of a division of labour, and none of its advantages. We understand the expediency of keeping the functions of cook and coachman distinct—the dinner will be better dressed, and the horses better ma-

naged. But where the two situations are united, as in the Maître Jaques of Molière, we do not see that the matter is much mended by the solemn form with which the pluralist passes from one of his employments to the other.

We manage these things better in England. Sir Walter Scott gives us a novel; Mr Hallam a critical and argumentative history. Both are occupied with the same matter. But the former looks at it with the eye of a sculptor. His intention is to give an express and lively image of its external form. The latter is an anatomist. His task is to dissect the subject to its inmost recesses, and to lay bare before us all the springs of motion, and all the causes of decay.

Mr Hallam is, on the whole, far better qualified than any other writer of our time for the office which he has undertaken. He has great industry and great acuteness. His knowledge is extensive, various, and profound. His mind is equally distinguished by the amplitude of its grasp, and by the delicacy of its tact. His speculations have none of that vagueness which is the common fault of political philosophy. On the contrary, they are strikingly practical. They teach us not only the general rule, but the mode of applying it to solve particular cases. In this respect they often remind us of the Discourses of Machiavelli.

The style is sometimes harsh, and sometimes obscure. We have also here and there remarked a little of that unpleasant trick, which Gibbon brought into fashion,—the trick, we mean, of narrating by implication and allusion. Mr Hallam, however, has an excuse which Gibbon had not. His work is designed for readers who are already acquainted with the ordinary books on English history, and who can therefore unriddle these little enigmas without difficulty. The manner of the book is, on the whole, not unworthy of the matter. The language, even where most faulty, is weighty and massive, and indicates strong sense in every line. It often rises to an eloquence, not florid or impassioned, but high, grave, and sober; such as would become a state paper, or a judgment delivered by a great magistrate, a Somers, or a D'Aguesseau.

In this respect the character of Mr Hallam's mind corresponds strikingly with that of his style. His work is eminently judicial. Its whole spirit is that of the bench, not that of the bar. He sums up with a calm, steady impartiality, turning neither to the right nor to the left, glossing over nothing, exaggerating nothing, while the advocates on both sides are alternately biting their lips to hear their conflicting mis-statements and sophisms exposed. On a general survey, we do not scruple to pronounce

the Constitutional History the most impartial book that we ever read. We think it the more incumbent on us to bear this testimony strongly at first setting out, because, in the course of our remarks, we shall think it right to dwell principally on those parts of it from which we dissent.

There is one peculiarity about Mr Hallam, which, while it adds to the value of his writings, will, we fear, take away something from their popularity. He is less of a worshipper than any historian whom we can call to mind. Every political sect has its esoteric and its exoteric school; its abstract doctrines for the initiated, its visible symbols, its imposing forms, its mythological fables for the vulgar. It assists the devotion of those who are unable to raise themselves to the contemplation of pure truths, by all the devices of Pagan or Papal superstition. It has its altars and its deified heroes, its relics and pilgrimages, its canonised martyrs and confessors, its festivals and its legendary miracles. Our pious ancestors, we are told, deserted the High Altar of Canterbury, to lay all their oblations on the shrine of St Thomas. In the same manner the great and comfortable doctrines of the Tory creed, those particularly which relate to restrictions on worship and on trade, are adored by squires and rectors, in Pitt Clubs, under the name of a minister, who was as bad a representative of the system which has been christened after him, as Becket of the spirit of the Gospel. And, on the other hand, the cause for which Hampden bled on the field, and Sidney on the scaffold, is enthusiastically toasted by many an honest radical, who would be puzzled to explain the difference between Ship-money and the Habeas Corpus act. It may be added, that, as in religion, so in politics, few even of those who are enlightened enough to comprehend the meaning latent under the emblems of their faith, can resist the contagion of the popular superstition. Often, when they flatter themselves that they are merely feigning a compliance with the prejudices of the vulgar, they are themselves under the influence of those very prejudices. It probably was not altogether on grounds of expediency that Socrates taught his followers to honour the gods whom the state honoured, and bequeathed a cock to Esculapius with his dying breath. So there is often a portion of willing credulity and enthusiasm in the veneration which the most discerning men pay to their political idols. From the very nature of man it must be so. The faculty by which we inseparably associate ideas which have often been presented to us in conjunction, is not under the absolute control of the will. It may be quickened into morbid activity. It may be reasoned into sluggishness. But in a certain degree it will always exist. The almost

absolute mastery which Mr Hallam has obtained over feelings of this class, is perfectly astonishing to us; and will, we believe, be not only astonishing, but offensive to many of his readers. It must particularly disgust those people who, in their speculations on politics, are not reasoners but fanciers; whose opinions, even when sincere, are not produced, according to the ordinary law of intellectual births, by induction and inference, but are equivocally generated by the heat of fervid tempers out of the overflowings of tumid imaginations. A man of this class is always in extremes. He cannot be a friend to liberty without calling for a community of goods, or a friend to order without taking under his protection the foulest excesses of tyranny. His admiration oscillates between the most worthless of rebels and the most worthless of oppressors; between Marten, the scandal of the High Court of Justice, and Laud, the scandal of the Star Chamber. He can forgive any thing but temperance and impartiality. He has a certain sympathy with the violence of his opponents, as well as with that of his associates. In every furious partisan he sees either his present self or his former self, the pensioner that is, or the Jacobin that has been. But he is unable to comprehend a writer who, steadily attached to principles, is indifferent about names and badges,—who judges of characters with equable severity, not altogether untinctured with cynicism, but free from the slightest touch of passion, party spirit, or caprice.

We should probably like Mr Hallam's book more, if, instead of pointing out, with strict fidelity, the bright points and the dark spots of both parties, he had exerted himself to whitewash the one, and to blacken the other. But we should certainly prize it far less. Eulogy and invective may be had for the asking. But for cold rigid justice—the one weight and the one measure—we know not where else we can look.

No portion of our annals has been more perplexed and misrepresented by writers of different parties, than the history of the Reformation. In this labyrinth of falsehood and sophistry, the guidance of Mr Hallam is peculiarly valuable. It is impossible not to admire the even-handed justice with which he deals out castigation to right and left on the rival persecutors.

It is vehemently maintained by some writers of the present day, that the government of Elizabeth persecuted neither Papists nor Puritans as such; and occasionally that the severe measures which it adopted were dictated, not by religious intolerance, but by political necessity. Even the excellent account of those times which Mr Hallam has given, has not altogether imposed silence on the authors of this fallacy. The title of the Queen, they say, was annulled by the Pope; her throne was

given to another; her subjects were incited to rebellion; her life was menaced; every Catholic was bound in conscience to be a traitor; it was therefore against traitors, not against Catholics, that the penal laws were enacted.

That our readers may be the better able to appreciate the merits of this defence, we will state, as concisely as possible, the substance of some of these laws.

As soon as Elizabeth ascended the throne, and before the least hostility to her government had been shown by the Catholic population, an act passed, prohibiting the celebration of the rites of the Romish Church, on pain of forfeiture for the first offence, a year's imprisonment for the second, and perpetual imprisonment for the third.

A law was next made in 1562, enacting, that all who had ever graduated at the Universities, or received holy orders, all lawyers, and all magistrates, should take the oath of supremacy when tendered to them, on pain of forfeiture, and imprisonment during the royal pleasure. After the lapse of three months, it might again be tendered to them; and, if it were again refused, the recusant was guilty of high treason! A prospective law, however severe, framed to exclude Catholics from the liberal professions, would have been mercy itself compared with this odious act. It is a retrospective statute;—it is a retrospective penal statute;—it is a retrospective penal statute against a large class. We will not positively affirm that a law of this description must always, and under all circumstances, be unjustifiable. But the presumption against it is most violent; nor do we remember any crisis, either in our own history, or in the history of any other country, which would have rendered such a provision necessary. But in the present, what circumstances called for extraordinary rigour? There might be disaffection among the Catholics. The prohibition of their worship would naturally produce it. But it is from their situation, not from their conduct; from the wrongs which they had suffered, not from those which they had committed, that the existence of discontent among them must be inferred. There were libels, no doubt, and prophecies, and rumours, and suspicions,—strange grounds for a law inflicting capital penalties, *ex post facto*, on a large order of men.

Eight years later, the bull of Pius deposing Elizabeth produced a third law. This law, to which alone, as we conceive, the defence now under our consideration can apply, provides, that if any Catholic shall convert a Protestant to the Romish Church, they shall both suffer death, as for high treason.

We believe that we might safely content ourselves with sta-

ting the fact, and leaving it to the judgment of every plain Englishman. Recent controversies have, however, given so much importance to this subject, that we will offer a few remarks on it.

In the first place, the arguments which are urged in favour of Elizabeth, apply with much greater force to the case of her sister Mary. The Catholics did not, at the time of Elizabeth's accession, rise in arms to seat a Pretender on her throne. But before Mary had given, or could give, provocation, the most distinguished Protestants attempted to set aside her rights in favour of the Lady Jane. That attempt, and the subsequent insurrection of Wyatt, furnished at least as good a plea for the burning of Protestants, as the conspiracies against Elizabeth furnish for the hanging and embowelling of Papists.

The fact is, that both pleas are worthless alike. If such arguments are to pass current, it will be easy to prove that there was never such a thing as religious persecution since the creation. For there never was a religious persecution, in which some odious crime was not justly or unjustly said to be obviously deducible from the doctrines of the persecuted party. We might say that the Cæsars did not persecute the Christians; that they only punished men who were charged, rightly or wrongly, with burning Rome, and with committing the foulest abominations in their assemblies; that the refusal to throw frankincense on the altar of Jupiter was not the crime, but only evidence of the crime. We might say, that the massacre of St Bartholomew was intended to extirpate, not a religious sect, but a political party. For, beyond all doubt, the proceedings of the Huguenots, from the conspiracy of Amboise to the battle of Moncoutour, had given much more trouble to the French monarchy, than the Catholics have ever given to England since the Reformation; and that too with much less excuse.

The true distinction is perfectly obvious. To punish a man because he has committed a crime, or is believed, though unjustly, to have committed a crime, is not persecution. To punish a man, because we infer from the nature of some doctrine which he holds, or from the conduct of other persons who hold the same doctrines with him, that he will commit a crime, is persecution; and is, in every case, foolish and wicked.

When Elizabeth put Ballard and Babington to death, she was not persecuting. Nor should we have accused her government of persecution for passing any law, however severe, against overt acts of sedition. But to argue, that, because a man is a Catholic, he must think it right to murder an heretical sovereign, and that because he thinks it right he will attempt to do

it,—and then to found on this conclusion a law for punishing him as if he had done it,—is plain persecution.

If, indeed, all men reasoned in the same manner on the same data, and always did what they thought it their duty to do, this mode of dispensing punishment might be extremely judicious. But as people who agree about premises often disagree about conclusions, and as no man in the world acts up to his own standard of right, there are two enormous gaps in the logic, by which alone penalties for opinions can be defended. The doctrine of reprobation, in the judgment of many very able men, follows by syllogistic necessity from the doctrine of election. Others conceive that the Antinomian and Manichean heresies directly follow from the doctrine of reprobation; and it is very generally thought that licentiousness and cruelty of the worst description are likely to be the fruits, as they often have been the fruits, of Antinomian and Manichean opinions. This chain of reasoning, we think, is as perfect in all its parts as that which makes out a Papist to be necessarily a traitor. Yet it would be rather a strong measure to hang the Calvinists, on the ground that, if they were spared, they would infallibly commit all the atrocities of Matthias and Knipperdoling. For, reason the matter as we may, experience shows us that a man may believe in election without believing in reprobation, that he may believe in reprobation without being an Antinomian, and that he may be an Antinomian without being a bad citizen. Man, in short, is so inconsistent a creature, that it is impossible to reason from his belief to his conduct, or from one part of his belief to another.

We do not believe that every Englishman who was reconciled to the Catholic Church would, as a necessary consequence, have thought himself justified in deposing or assassinating Elizabeth. It is not sufficient to say, that the convert must have acknowledged the authority of the Pope; and that the Pope had issued a bull against the Queen. We know through what strange loop-holes the human mind contrives to escape, when it wishes to avoid a disagreeable inference from an admitted proposition. We know how long the Jansenists contrived to believe the Pope infallible in matters of doctrine, and at the same time to believe doctrines which he pronounced to be heretical. Let it pass, however, that every Catholic in the kingdom thought that Elizabeth might be lawfully murdered. Still the old maxim, that what is the business of every body is the business of nobody, is particularly likely to hold good in a case in which a cruel death is the almost inevitable consequence of making any attempt.

Of the ten thousand clergymen of the Church of England,

there is scarcely one who would not say that a man who should leave his country and friends to preach the gospel among savages, and who should, after labouring indefatigably, without any hope of reward, terminate his life by martyrdom, would deserve the warmest admiration. Yet we doubt whether ten of the ten thousand ever thought of going on such an expedition. Why should we suppose that conscientious motives, feeble as they are constantly found to be in a good cause, should be omnipotent for evil? Doubtless there was many a jolly Popish priest in the old manor-houses of the northern counties, who would have admitted, in theory, the deposing power of the Pope, but who would not have been ambitious to be stretched on the rack, even though it were to be used, according to the benevolent proviso of Lord Burleigh, 'as charitably as such a thing can be;' or to be hanged, drawn, and quartered, even though, by that rare indulgence which the Queen, of her special grace, certain knowledge, and mere motion, sometimes extended to very mitigated cases, he were allowed a fair time to choke before the hangman began to grabble in his entrails.

But the laws passed against the Puritans had not even the wretched excuse which we have been considering. In their case, the cruelty was equal; the danger infinitely less. In fact, the danger was created solely by the cruelty. But it is superfluous to press the argument. By no artifice of ingenuity can the stigma of persecution, the worst blemish of the English Church, be effaced or patched over. Her doctrines, we well know, do not tend to intolerance. She admits the possibility of salvation out of her own pale. But this circumstance, in itself honourable to her, aggravates the sin and the shame of those who persecuted in her name. Dominic and De Monfort did not, at least, murder and torture for differences of opinion which they considered as trifling. It was to stop an infection which, as they believed, hurried to perdition every soul which it seized, that they employed their fire and steel. The measures of the English government with respect to the Papists and Puritans, sprang from a widely different principle. If those who deny that the supporters of the Established Church were guilty of religious persecution, mean only that they were not influenced by religious motives, we perfectly agree with them. Neither the penal code of Elizabeth, nor the more hateful system by which Charles the Second attempted to force Episcopacy on the Scotch, had an origin so noble. Their cause is to be sought in some circumstances which attended the Reformation in England—circumstances of which the effects long continued to be felt, and may in some degree be traced even at the present day.

In Germany, in France, in Switzerland, and in Scotland, the contest against the Papal power was essentially a religious contest. In all these countries, indeed, the cause of the Reformation, like every other great cause, attracted to itself many supporters influenced by no conscientious principle,—many who quitted the Established Church only because they thought her in danger,—many who were weary of her restraints,—and many who were greedy for her spoils. But it was not by these adherents that the separation was there conducted. They were welcome auxiliaries; their support was too often purchased by unworthy compliances; but, however exalted in rank or power, they were not the leaders in the enterprise. Men of a widely different description, men who redeemed great infirmities and errors by sincerity, disinterestedness, energy, and courage; men who, with many of the vices of revolutionary chiefs and of polemic divines, united some of the highest qualities of apostles, were the real directors. They might be violent in innovation, and scurrilous in controversy. They might sometimes act with inexcusable severity towards opponents, and sometimes connive disreputably at the vices of powerful allies. But fear was not in them, nor hypocrisy, nor avarice, nor any petty selfishness. Their one great object was the demolition of the idols, and the purification of the sanctuary. If they were too indulgent to the failings of eminent men, from whose patronage they expected advantage to the church, they never flinched before persecuting tyrants and hostile armies. If they set the lives of others at nought in comparison of their doctrines, they were equally ready to throw away their own. Such were the authors of the great schism on the continent and in the northern part of this island. The Elector of Saxony and the Landgrave of Hesse, the Prince of Condé and the King of Navarre, Moray and Morton, might espouse the Protestant opinions, or might pretend to espouse them;—but it was from Luther, from Calvin, from Knox, that the Reformation took its character.

England has no such names to show; not that she wanted men of sincere piety, of deep learning, of steady and adventurous courage. But these were thrown into the back ground. Elsewhere men of this character were the principals. Here they acted a secondary part. Elsewhere worldliness was the tool of zeal. Here zeal was the tool of worldliness. A King, whose character may be best described by saying that he was despotism itself personified, unprincipled ministers, a rapacious aristocracy, a servile Parliament,—such were the instruments by which England was delivered from the yoke of Rome. The work which had been begun by Henry, the murderer of his

wives, was continued by Somerset, the murderer of his brother, and completed by Elizabeth, the murderer of her guest. Sprung from brutal passion,—nurtured by selfish policy,—the Reformation in England displayed little of what had, in other countries, distinguished it,—unflinching and unsparing devotion, boldness of speech, and singleness of eye. These were indeed to be found; but it was in the lower ranks of the party which opposed the authority of Rome, in such men as Hooper, Latimer, Rogers, and Taylor. Of those who had any important share in bringing the alteration about, the excellent Ridley was perhaps the only person who did not consider it as a mere political job. Even Ridley did not play a very prominent part. Among the statesmen and prelates who principally gave the tone to the religious changes, there is one, and one only, whose conduct partiality itself can attribute to any other than interested motives. It is not strange, therefore, that his character should have been the subject of fierce controversy. We need not say that we speak of Cranmer.

Mr Hallam has been severely censured for saying, with his usual placid severity, that 'if we weigh the character of this 'prelate in an equal balance, he will appear far indeed removed 'from the turpitude imputed to him by his enemies; yet not 'entitled to any extraordinary veneration.' We will venture to expand the sense of Mr Hallam, and to comment on it thus: If we consider Cranmer merely as a statesman, he will not appear a much worse man than Wolsey, Gardiner, Cromwell, or Somerset. But when an attempt is made to set him up as a saint, it is scarcely possible for any man of sense, who knows the history of the times well, to preserve his gravity. If the memory of the Archbishop had been left to find its own place, he would soon have been lost among the crowd which is mingled—

> 'A quel cattivo coro
> Degli' angeli, che non furon ribelli,
> Nè fur fedeli a Dio, ma per se furo.'

And the only notice which it would have been necessary to take of his name, would have been

> 'Non ragioniam di lui; ma guarda, e passa.'

But when his admirers challenge for him a place in the noble army of martyrs, his claims require fuller discussion.

The shameful origin of his history, common enough in the scandalous chronicles of courts, seems strangely out of place in a hagiology. Cranmer rose into favour by serving Henry in the disgraceful affair of his first divorce. He promoted the marriage of Anne Boleyn with the King. On a frivolous pretence he

pronounced it null and void. On a pretence, if possible, still more frivolous, he dissolved the ties which bound the shameless tyrant to Anne of Cleves. He attached himself to Cromwell, while the fortunes of Cromwell flourished. He voted for cutting off his head without a trial, when the tide of royal favour turned. He conformed backwards and forwards as the King changed his mind. While Henry lived, he assisted in condemning to the flames those who denied the doctrine of transubstantiation. When Henry died, he found out that the doctrine was false. He was, however, not at a loss for people to burn. The authority of his station, and of his grey hairs, was employed to overcome the disgust with which an intelligent and virtuous child regarded persecution.

Intolerance is always bad. But the sanguinary intolerance of a man, who thus wavered in his creed, excites a loathing, to which it is difficult to give vent without calling foul names. Equally false to political and to religious obligations, he was first the tool of Somerset, and then the tool of Northumberland. When the former wished to put his own brother to death, without even the form of a trial, he found a ready instrument in Cranmer. In spite of the canon law, which forbade a churchman to take any part in matters of blood, the Archbishop signed the warrant for the atrocious sentence. When Somerset had been in his turn destroyed, his destroyer received the support of Cranmer in his attempt to change the course of the succession.

The apology made for him by his admirers, only renders his conduct more contemptible. He complied, it is said, against his better judgment, because he could not resist the entreaties of Edward! A holy prelate of sixty, one would think, might be better employed by the bedside of a dying child, than in committing crimes at the request of his disciple. If he had shown half as much firmness when Edward requested him to commit treason, as he had before shown when Edward requested him not to commit murder, he might have saved the country from one of the greatest misfortunes that it ever underwent. He became, from whatever motive, the accomplice of the worthless Dudley. The virtuous scruples of another young and amiable mind were to be overcome. As Edward had been forced into persecution, Jane was to be seduced into usurpation. No transaction in our annals is more unjustifiable than this. If a hereditary title were to be respected, Mary possessed it. If a parliamentary title were preferable, Mary possessed that also. If the interest of the Protestant religion required a departure from the ordinary rule of succession, that interest would have been best served by raising Elizabeth to the throne. If the foreign

relations of the kingdom were considered, still stronger reasons might be found for preferring Elizabeth to Jane. There was great doubt whether Jane or the Queen of Scotland had the better claim; and that doubt would, in all probability, have produced a war, both with Scotland and with France, if the project of Northumberland had not been blasted in its infancy. That Elizabeth had a better claim than the Queen of Scotland, was indisputable. To the part which Cranmer, and unfortunately some better men than Cranmer, took in this most reprehensible scheme, much of the severity with which the Protestants were afterwards treated, must in fairness be ascribed.

The plot failed; Popery triumphed; and Cranmer recanted. Most people look on his recantation as a single blemish on an honourable life—the frailty of an unguarded moment. But in fact, it was in strict accordance with the system on which he had constantly acted. It was part of a regular habit. It was not the first recantation that he had made; and, in all probability, if it had answered its purpose, it would not have been the last. We do not blame him for not choosing to be burnt alive. It is no very severe reproach to any person that he does not possess heroic fortitude. But surely a man who liked the fire so little, should have had some sympathy for others. A persecutor who inflicts nothing which he is not ready to endure, deserves some respect. But when a man who loves his doctrines more than the lives of his neighbours, loves his own little finger better than his doctrines, a very simple argument, *a fortiori*, will enable us to estimate the amount of his benevolence.

But his martyrdom, it is said, redeemed every thing. It is extraordinary that so much ignorance should exist on this subject. The fact is, that if a martyr be a man who chooses to die rather than to renounce his opinions, Cranmer was no more a martyr than Dr Dodd. He died solely because he could not help it. He never retracted his recantation, till he found he had made it in vain. The Queen was fully resolved that, Catholic or Protestant, he should burn. Then he spoke out, as people generally speak out when they are at the point of death, and have nothing to hope or to fear on earth. If Mary had suffered him to live, we suspect that he would have heard mass, and received absolution, like a good Catholic, till the accession of Elizabeth; and that he would then have purchased, by another apostacy, the power of burning men better and braver than himself.

We do not mean, however, to represent him as a monster of wickedness. He was not wantonly cruel or treacherous. He was merely a supple, timid, interested courtier, in times of frequent and violent change. That which has always been repre-

sented as his distinguishing virtue, the facility with which he forgave his enemies, belongs to the character. Those of his class are never vindictive, and never grateful. A present interest effaces past services and past injuries from their minds together. Their only object is self-preservation; and for this they conciliate those who wrong them, just as they abandon those who serve them. Before we extol a man for his forgiving temper, we should inquire whether he is above revenge, or below it.

Somerset, with as little principle as his coadjutor, had a firmer and more commanding mind. Of Henry, an orthodox Catholic, excepting that he chose to be his own Pope, and of Elizabeth, who certainly had no objection to the theology of Rome, we need say nothing. But these four persons were the great authors of the English Reformation. Three of them had a direct interest in the extension of the royal prerogative. The fourth was the ready tool of any who could frighten him. It is not difficult to see from what motives, and on what plan, such persons would be inclined to remodel the Church. The scheme was merely to rob the Babylonian enchantress of her ornaments, to transfer the full cup of her sorceries to other hands, spilling as little as possible by the way. The Catholic doctrines and rites were to be retained in the Church of England. But the King was to exercise the control which had formerly belonged to the Roman Pontiff. In this Henry for a time succeeded. The extraordinary force of his character, the fortunate situation in which he stood with respect to foreign powers, and the vast resources which the suppression of the monasteries placed at his disposal, enabled him to oppress both the religious factions equally. He punished with impartial severity those who renounced the doctrines of Rome, and those who acknowledged her jurisdiction. The basis, however, on which he attempted to establish his power, was too narrow. It would have been impossible even for him long to persecute both persuasions. Even under his reign there had been insurrections on the part of the Catholics, and signs of a spirit which was likely soon to produce insurrection on the part of the Protestants. It was plainly necessary therefore that the government should form an alliance with one or with the other side. To recognise the Papal supremacy, would have been to abandon its whole design. Reluctantly and sullenly it at last joined the Protestants. In forming this junction, its object was to procure as much aid as possible for its selfish undertaking, and to make the smallest possible concessions to the spirit of religious innovation.

From this compromise the Church of England sprung. In many respects, indeed, it has been well for her, that in an age

of exuberant zeal, her principal founders were mere politicians. To this circumstance she owes her moderate articles, her decent ceremonies, her noble and pathetic liturgy. Her worship is not disfigured by mummery. Yet she has preserved, in a far greater degree than any of her Protestant sisters, that art of striking the senses, and filling the imagination, in which the Catholic Church so eminently excels. But, on the other hand, she continued to be, for more than a hundred and fifty years, the servile handmaid of monarchy, the steady enemy of public liberty. The divine right of kings, and the duty of passively obeying all their commands, were her favourite tenets. She held them firmly through times of oppression, persecution, and licentiousness; while law was trampled down; while judgment was perverted; while the people were eaten as though they were bread. Once, and but once,—for a moment, and but for a moment,—when her own dignity and property were touched, she forgot to practise the submission which she had taught.

Elizabeth clearly discerned the advantages which were to be derived from a close connexion between the monarchy and the priesthood. At the time of her accession, indeed, she evidently meditated a partial reconciliation with Rome. And throughout her whole life, she leaned strongly to some of the most obnoxious parts of the Catholic system. But her imperious temper, her keen sagacity, and her peculiar situation, soon led her to attach herself completely to a church which was all her own. On the same principle on which she joined it, she attempted to drive all her people within its pale by persecution. She supported it by severe penal laws, not because she thought conformity to its discipline necessary to salvation; but because it was the fastness which arbitrary power was making strong for itself;—because she expected a more profound obedience from those who saw in her both their civil and their ecclesiastical head, than from those who, like the Papists, ascribed spiritual authority to the Pope, or from those who, like some of the Puritans, ascribed it only to Heaven. To dissent from her establishment, was to dissent from an institution founded with an express view to the maintenance and extension of the royal prerogative.

This great Queen and her successors, by considering conformity and loyalty as identical, at length made them so. With respect to the Catholics, indeed, the rigour of persecution abated after her death. James soon found that they were unable to injure him; and that the animosity which the Puritan party felt towards them, drove them of necessity to take refuge under his throne. During the subsequent conflict, their fault was any thing but disloyalty. On the other hand, James hated the Pu-

ritans with far more than the hatred of Elizabeth. Her aversion to them was political,—his was personal. The sect had plagued him in Scotland, where he was weak; and he was determined to be even with them in England, where he was powerful. Persecution gradually changed a sect into a faction. That there was any thing in the religious opinions of the Puritans, which rendered them hostile to monarchy, has never been proved to our satisfaction. After our civil contests, it became the fashion to say that Presbyterianism was connected with Republicanism; just as it has been the fashion to say, since the time of the French Revolution, that Infidelity is connected with Republicanism. It is perfectly true, that a church constituted on the Calvinistic model, will not strengthen the hands of the sovereign so much as a hierarchy, which consists of several ranks, differing in dignity and emolument, and of which all the members are constantly looking to the government for promotion. But experience has clearly shown that a Calvinistic Church, like every other church, is disaffected when it is persecuted, quiet when it is tolerated, and actively loyal when it is favoured and cherished. Scotland has had a Presbyterian establishment during a century and a half. Yet her General Assembly has not, during that period, given half so much trouble to the Government as the Convocation of the Church of England gave to it during the thirty years which followed the Revolution. That James and Charles should have been mistaken in this point, is not surprising. But we are astonished, we must confess, when writers of our own time, men who have before them the proof of what toleration can effect,—men who may see with their own eyes that the Presbyterians are no such monsters, when government is wise enough to let them alone, should defend the old persecutions, on the ground that they were indispensable to the safety of the church and the throne.

How persecution protects churches and thrones, was soon made manifest. A systematic political opposition, vehement, daring, and inflexible, sprang from a schism about trifles, altogether unconnected with the real interests of religion or of the state. Before the close of the reign of Elizabeth it began to show itself. It broke forth on the question of the monopolies. Even the imperial Lioness was compelled to abandon her prey, and slowly and fiercely to recede before the assailants. The spirit of liberty grew with the growing wealth and intelligence of the people. The feeble struggles and insults of James irritated instead of suppressing it. And the events which immediately followed the accession of his son, portended a contest of no com-

mon severity, between a king resolved to be absolute, and a people resolved to be free.

The famous proceedings of the third Parliament of Charles, and the tyrannical measures which followed its dissolution, are extremely well described by Mr Hallam. No writer, we think, has shown, in so clear and satisfactory a manner, that at that time the Government entertained a fixed purpose of destroying the old parliamentary Constitution of England, or at least of reducing it to a mere shadow. We hasten, however, to a part of his work, which, though it abounds in valuable information, and in remarks well deserving to be attentively considered,—and though it is, like the rest, evidently written in a spirit of perfect impartiality, appears to us, in many points, objectionable.

We pass to the year 1640. The fate of the short Parliament held in that year, already indicated the views of the king. That a parliament so moderate in feeling, should have met after so many years of oppression, is truly wonderful. Hyde extols its loyal and conciliatory spirit. Its conduct, we are told, made the excellent Falkland in love with the very name of parliament. We think, indeed, with Oliver St John, that its moderation was carried too far, and that the times required sharper and more decided councils. It was fortunate, however, that the king had another opportunity of showing that hatred of the liberties of his subjects, which was the ruling principle of all his conduct. The sole crime of this assembly was that, meeting after a long intermission of parliaments, and after a long series of cruelties and illegal imposts, they seemed inclined to examine grievances before they would vote supplies. For this insolence, they were dissolved almost as soon as they met.

Defeat, universal agitation, financial embarrassments, disorganization in every part of the government, compelled Charles again to convene the houses before the close of the same year. Their meeting was one of the great eras in the history of the civilized world. Whatever of political freedom exists either in Europe or in America, has sprung, directly or indirectly, from those institutions which they secured and reformed. We never turn to the annals of those times, without feeling increased admiration of the patriotism, the energy, the decision, the consummate wisdom, which marked the measures of that great parliament, from the day on which it met, to the commencement of civil hostilities.

The impeachment of Strafford was the first, and perhaps the greatest blow. The whole conduct of that celebrated man proved that he had formed a deliberate scheme to subvert the fundamental laws of England. Those parts of his correspondence

which have been brought to light since his death, place the matter beyond a doubt. One of his admirers has, indeed, offered to show, 'that the passages which Mr Hallam has invidiously extracted from the correspondence between Laud and Strafford, 'as proving their design to introduce a thorough tyranny, refer 'not to any such design, but to a thorough reform in the affairs 'of state, and the thorough maintenance of just authority!' We will recommend two or three of these passages to the especial notice of our readers.

All who know any thing of those times, know that the conduct of Hampden in the affair of the ship-money met with the warm approbation of every respectable royalist in England. It drew forth the ardent eulogies of the champions of the prerogative, and even of the Crown lawyers themselves. Clarendon allows his demeanour through the whole proceeding to have been such, that even those who watched for an occasion against the defender of the people, were compelled to acknowledge themselves unable to find any fault in him. That he was right in the point of law, is now universally admitted. Even had it been otherwise, he had a fair case. Five of the Judges, servile as our courts then were, pronounced in his favour. The majority against him was the smallest possible. In no country retaining the slightest vestige of constitutional liberty, can a modest and decent appeal to the laws be treated as a crime. Strafford, however, recommends that, for taking the sense of a legal tribunal on a legal question, Hampden should be punished, and punished severely,—'whipt,' says the insolent apostate—'whipt 'into his seness. If the rod,' he adds, 'be so used that it smarts 'not, I am the more sorry.' This is the maintenance of just authority.

In civilised nations, the most arbitrary governments have generally suffered justice to have a free course in private suits. Strafford wished to make every cause in every court subject to the royal prerogative. He complained, that in Ireland he was not permitted to meddle in cases between party and party. 'I 'know very well,' says he, 'that the common lawyers will be 'passionately against it, who are wont to put such a prejudice 'upon all other professions, as if none were to be trusted, or 'capable to administer justice but themselves; yet how well this 'suits with monarchy, when they monopolize all to be governed 'by their year-books, you in England have a costly example.' We are really curious to know by what arguments it is to be proved, that the power of interfering in the law-suits of individuals is part of the just authority of the executive government.

It is not strange that a man so careless of the common civil rights, which even despots have generally respected, should treat with scorn the limitations which the constitution imposes on the royal prerogative. We might quote pages: but we will content ourselves with a single specimen:—'The debts of the 'Crown being taken off, *you may govern as you please:* and 'most resolute I am that may be done without borrowing any 'help forth of the King's lodgings.'

Such was the theory of that thorough reform in the state which Strafford meditated. His whole practice, from the day on which he sold himself to the court, was in strict conformity to his theory. For his accomplices various excuses may be urged; ignorance, imbecility, religious bigotry. But Wentworth had no such plea. His intellect was capacious. His early prepossessions were on the side of popular rights. He knew the whole beauty and value of the system which he attempted to deface. He was the first of the Rats,—the first of those statesmen whose patriotism has been only the coquetry of political prostitution; whose profligacy has taught governments to adopt the old maxim of the slave-market, that it is cheaper to buy than to breed, to import defenders from an opposition than to rear them in a ministry. He was the first Englishman to whom a peerage was not an addition of honour, but a sacrament of infamy,—a baptism into the communion of corruption. As he was the earliest of the hateful list, so was he also by far the greatest—eloquent, sagacious, adventurous, intrepid, ready of invention, immutable of purpose, in every talent which exalts or destroys nations preeminent, the lost Archangel, the Satan of the apostacy. The title for which, at the time of his desertion, he exchanged a name honourably distinguished in the cause of the people, reminds us of the appellation which, from the moment of the first treason, fixed itself on the fallen Son of the Morning—

> —— 'So call him now.—His former name
> Is heard no more in heaven.'

The defection of Strafford from the popular party contributed mainly to draw on him the hatred of his contemporaries. It has since made his an object of peculiar interest to those whose lives have been spent, like his, in proving that there is no malice like the malice of a renegade. Nothing can be more natural or becoming, than that one turncoat should eulogise another.

Many enemies of public liberty have been distinguished by their private virtues. But Strafford was the same throughout. As was the statesman, such was the kinsman, and such the

lover. His conduct towards Lord Mountmorris is recorded by Clarendon. For a word which can scarcely be called rash, which could not have been made the subject of an ordinary civil action, he dragged a man of high rank, married to a relative of that saint about whom he whimpered to the Peers, before a tribunal of his slaves. Sentence of death was passed. Every thing but death was inflicted. Yet the treatment which Lord Ely experienced, was still more disgusting. That nobleman was thrown into prison, in order to compel him to settle his estate in a manner agreeable to his daughter-in-law, whom, as there is every reason to believe, Strafford had debauched. These stories do not rest on vague report. The historians most partial to the minister admit their truth, and censure them in terms which, though too lenient for the occasion, are still severe. These facts are alone sufficient to justify the appellation with which Pym branded him—'the wicked Earl.'

In spite of all his vices, in spite of all his dangerous projects, Strafford was certainly entitled to the benefit of the law;—but of the law in all its rigour; of the law according to the utmost strictness of the letter, which killeth. He was not to be torn in pieces by a mob, or stabbed in the back by an assassin. He was not to have punishment meted out to him from his own iniquitous measure. But if justice, in the whole range of its wide armoury, contained one weapon which could pierce him, that weapon his pursuers were bound, before God and man, to employ.

> ——'If he may
> Find mercy in the law, 'tis his: if none,
> Let him not seek't of us.'

Such was the language which the Parliament might justly use.

Did then the articles against Strafford strictly amount to high-treason? Many people who know neither what the articles were, nor what high treason is, will answer in the negative, simply because the accused person, speaking for his life, took that ground of defence. The Journals of the Lords show that the Judges were consulted. They answered with one accord, that the articles on which the Earl was convicted amounted to high treason. This judicial opinion, even if we suppose it to have been erroneous, goes far to justify the Parliament. The judgement pronounced in the Exchequer Chamber has always been urged by the apologists of Charles in defence of his conduct respecting ship-money. Yet on that occasion there was but a bare majority in favour of the party, at whose pleasure all the magistrates composing the tribunal were removable. The decision in the case of Strafford was unanimous; as far as we can judge,

it was unbiassed; and though there may be room for hesitation, we think, on the whole, that it was reasonable. 'It may be re-'marked,' says Mr Hallam, 'that the fifteenth article of the im-'peachment, charging Strafford with raising money by his own 'authority, and quartering troops on the people of Ireland, in 'order to compel their obedience to his unlawful requisitions, 'upon which, and upon one other article, not upon the whole 'matter, the Peers voted him guilty, does, at least, approach 'very nearly, if we may not say more, to a substantive treason 'within the statute of Edward III., as a levying of war against 'the King.' This most sound and just exposition has provoked a very ridiculous reply. 'It should seem to be an Irish construc-'tion this,' says an assailant of Mr Hallam, 'which makes the 'raising money for the King's service, with his knowledge, and 'by his approbation, to come under the head of levying war on 'the King, and therefore to be high treason.' Now, people who undertake to write on points of constitutional law should know, what every attorney's clerk and every forward schoolboy on an upper form knows, that, by a fundamental maxim of our polity, the King can do no wrong; that every court is bound to suppose his conduct and his sentiments to be, on every occasion, such as they ought to be; and that no evidence can be received for the purpose of setting aside this loyal and salutary presumption. The Lords, therefore, were bound to take it for granted, that the King considered arms which were unlawfully directed against his people, as directed against his own throne.

The remarks of Mr Hallam on the bill of attainder, though, as usual, weighty and acute, do not perfectly satisfy us. He defends the principle, but objects to the severity of the punishment. That, on great emergencies, the state may justifiably pass a retrospective act against an offender, we have no doubt whatever. We are acquainted with only one argument on the other side, which has in it enough of reason to bear an answer. Warning, it is said, is the end of punishment: But a punishment inflicted, not by a general rule, but by an arbitrary discretion, cannot serve the purpose of a warning; it is therefore useless; and useless pain ought not to be inflicted. This sophism has found its way into several books on penal legislation. It admits, however, of a very simple refutation. In the first place, punishments *ex post facto* are not altogether useless even as warnings. They are warnings to a particular class, which stands in great need of warnings,—to favourites and ministers. They remind persons of this description that there may be a day of reckoning for those who ruin and enslave their country in all the forms of law. But this is not all. Warning is, in ordinary cases, the principal end

of punishment; but it is not the only end. To remove the offender, to preserve society from those dangers which are to be apprehended from his incorrigible depravity, is often one of the ends. In the case of such a knave as Wild, or such a ruffian as Thurtell, it is a very important end. In the case of a powerful and wicked statesman, it is infinitely more important; so important, as alone to justify the utmost severity, even though it were certain that his fate would not deter others from imitating his example. At present, indeed, we should think it extremely pernicious to take such a course, even with a worse minister than Strafford—if a worse could exist; for, at present, Parliament has only to withhold its support from a cabinet to produce an immediate change of hands. The case was widely different in the reign of Charles the First. That Prince had governed for eleven years without any Parliament; and, even when Parliament was sitting, had supported Buckingham against its most violent remonstrances.

Mr Hallam is of opinion that a bill of pains and penalties ought to have been passed against Strafford; but he draws a distinction less just, we think, than his distinctions usually are. His opinion, so far as we can collect it, is this,—that there are almost insurmountable objections to retrospective laws for capital punishment; but that where the punishment stops short of death, the objections are comparatively trifling. Now the practice of taking the severity of the penalty into consideration, when the question is about the mode of procedure and the rules of evidence, is no doubt sufficiently common. We often see a man convicted of a simple larceny on evidence on which he would not be convicted of a burglary. It sometimes happens that a Jury, when there is strong suspicion, but not absolute demonstration, that an act, unquestionably amounting to murder, was committed by the prisoner before them, will find him guilty of manslaughter; but this is surely very irrational. The rules of evidence no more depend on the magnitude of the interests at stake than the rules of arithmetic. We might as well say, that we have a greater chance of throwing a size when we are playing for a penny than when we are playing for a thousand pounds, as that a form of trial which is sufficient for the purposes of justice, in a matter affecting liberty and property, is insufficient in a matter affecting life. Nay, if a mode of proceeding be too lax for capital cases, it is, *a fortiori*, too lax for all others; for, in capital cases, the principles of human nature will always afford considerable security. No judge is so cruel as he who indemnifies himself for scrupulosity in cases of blood, by license in affairs of smaller importance. The difference in tale on the

one side far more than makes up for the difference in weight on the other.

If there be any universal objection to retrospective punishment, there is no more to be said. But such is not the opinion of Mr Hallam. He approves of the mode of proceeding. He thinks that a punishment, not previously affixed by law to the offences of Strafford, should have been inflicted; that he should have been degraded from his rank, and condemned to perpetual banishment, by act of Parliament; but he sees strong objections to the taking away of his life. Our difficulty would have been at the first step, and there only. Indeed, we can scarcely conceive that any case, which does not call for capital punishment, can call for retrospective punishment. We can scarcely conceive a man so wicked and so dangerous, that the whole course of law must be disturbed in order to reach him; yet not so wicked as to deserve the severest sentence, nor so dangerous as to require the last and surest custody,—that of the grave. If we had thought that Strafford might be safely suffered to live in France, we should have thought it better that he should continue to live in England, than that he should be exiled by a special act. As to degradation, it was not the Earl, but the general and the statesman, whom the people had to fear. Essex said, on that occasion, with more truth than eloquence, 'Stone-dead 'hath no fellow.' And often during the civil wars the Parliament had reason to rejoice, that an irreversible law, and an impassable barrier, protected them from the valour and capacity of Strafford.

It is remarkable that neither Hyde nor Falkland voted against the bill of attainder. There is, indeed, reason to believe that Falkland spoke in favour of it. In one respect, as Mr Hallam has observed, the proceeding was honourably distinguished from others of the same kind. An act was passed to relieve the children of Strafford from the forfeiture and corruption of blood, which were the legal consequences of the sentence. The Crown had never shown equal generosity in a case of treason. The liberal conduct of the Commons has been fully and most appropriately repaid. The House of Wentworth has since been as much distinguished by public spirit as by power and splendour; and may at the present time boast of members with whom Say and Hampden would have been proud to act.

It is somewhat curious that the admirers of Strafford should also be, without a single exception, the admirers of Charles; for whatever we may think of the conduct of the Parliament towards the unhappy favourite, there can be no doubt that the treatment which he received from his master was disgraceful. Faithless

alike to his people and to his tools, the King did not scruple to play the part of the cowardly approver, who hangs his accomplice. It is good that there should be such men as Charles in every league of villainy. It is for such men that the offers of pardon and reward, which appear after a murder, are intended. They are indemnified, remunerated, and despised. The very magistrate who avails himself of their assistance, looks on them as wretches more degraded than the criminal whom they betray. Was Strafford innocent? was he a meritorious servant of the Crown? If so, what shall we think of the Prince, who, having solemnly promised him that not a hair of his head should be hurt, and possessing an unquestioned constitutional right to save him, gave him up to the vengeance of his enemies? There were some points which we know that Charles would not concede, and for which he was willing to risk the chances of civil war. Ought not a King, who will make a stand for any thing, to make a stand for the innocent blood? Was Strafford guilty? Even on this supposition, it is difficult not to feel disdain for the partner of his guilt—the tempter turned punisher. If, indeed, from that time forth, the conduct of Charles had been blameless, it might have been said that his eyes were at last opened to the errors of his former conduct, and that in sacrificing to the wishes of his Parliament, a minister whose crime had been a devotion too zealous to the interests of his prerogative, he gave a painful and deeply humiliating proof of the sincerity of his repentance. We may describe his behaviour on this occasion in terms resembling those which Hume has employed when speaking of the conduct of Churchill at the Revolution. It required ever after the most rigid justice and sincerity in his dealings with his people to vindicate it. His subsequent dealings with his people, however, clearly showed, that it was not from any respect for the constitution, or from any sense of the deep criminality of the plans in which Strafford and himself had been engaged, that he gave up his minister to the axe. It became evident that he had abandoned a servant who, deeply guilty as to all others, was guiltless to him alone, solely in order to gain time for maturing other schemes of tyranny, and purchasing the aid of other Wentworths. He who would not avail himself of the power which the laws gave him to save a friend, to whom his honour was pledged, soon showed that he did not scruple to break every law and forfeit every pledge, in order to work the ruin of his opponents.

'Put not your trust in princes!' was the expression of the fallen minister, when he heard that Charles had consented to his death. The whole history of the times is a sermon on that

bitter text. The defence of the Long Parliament is comprised in the dying words of its victim.

The early measures of that Parliament, Mr Hallam in general approves. But he considers the proceedings which took place after the recess in the summer of 1641, as mischievous and violent. He thinks, that from that time, the demands of the Houses were not warranted by any imminent danger to the constitution, and that in the war which ensued they were clearly the aggressors. As this is one of the most interesting questions in our history, we will venture to state, at some length, the reasons which have led us to form an opinion on it contrary to that of a writer whose judgment we so highly respect.

We will premise, that we think worse of King Charles the First than even Mr Hallam appears to do. The fixed hatred of liberty, which was the principle of all his public conduct; the unscrupulousness with which he adopted any means which might enable him to attain his ends; the readiness with which he gave promises; the impudence with which he broke them; the cruel indifference with which he threw away his useless or damaged tools, rendered him—at least till his character was fully exposed, and his power shaken to its foundations—a more dangerous enemy to the constitution than a man of far greater talents and resolution might have been. Such princes may still be seen—the scandals of the southern thrones of Europe—princes false alike to the accomplices who have served them, and to the opponents who have spared them—princes who, in the hour of danger, concede every thing, swear every thing—hold out their cheeks to every smiter—give up to punishment every minister of their tyranny, and await with meek and smiling implacability the blessed day of perjury and proscription.

We will pass by the instances of oppression and falsehood which disgraced the early years of the reign of Charles. We will leave out of the question the whole history of his third Parliament—the price which he exacted for assenting to the petition of right—the perfidy with which he violated his engagements—the death of Eliot—the barbarous punishments inflicted by the Star-Chamber—the ship-money, and all the measures, now universally condemned, which disgraced his administration from 1630 to 1640. We will admit, that it might be the duty of the Parliament, after punishing the most guilty of his creatures—after abolishing the inquisitorial tribunals, which had been the instruments of his tyranny—after reversing the unjust sentences of his victims, to pause in its course. The concessions which had been made were great—the evils of civil war obvious—the advantages even of victory doubtful. The former errors

of the king might be imputed to youth—to the pressure of circumstances—to the influence of evil counsel—to the undefined state of the law. We firmly believe, that if, even at this eleventh hour, Charles had acted fairly towards his people, if he had even acted fairly towards his own partisans, the House of Commons would have given him a fair chance of retrieving the public confidence. Such was the opinion of Clarendon. He distinctly states, that the fury of opposition had abated—that a reaction had begun to take place—that the majority of those who had taken part against the king, were desirous of an honourable and complete reconciliation; and that the more violent, or, as it soon appeared, the more judicious members of the party were fast declining in credit. The remonstrance had been carried with great difficulty. The uncompromising antagonists of the court, such as Cromwell, had begun to talk of selling their estates and leaving England. The event soon showed, that they were the only men who really understood how much inhumanity and fraud lay hid under the constitutional language and gracious demeanour of the King.

The attempt to seize the five members, was undoubtedly the real cause of the war. From that moment, the loyal confidence with which most of the popular party were beginning to regard the King, was turned into hatred and incurable suspicion. From that moment, the Parliament was compelled to surround itself with defensive arms—from that moment, the city assumed the appearance of a garrison—from that moment, it was that, in the phrase of Clarendon, the carriage of Hampden became fiercer, that he drew the sword and threw away the scabbard. For, from that moment, it must have been evident to every impartial observer, that in the midst of professions, oaths, and smiles, the tyrant was constantly looking forward to an absolute sway, and to a bloody revenge.

The advocates of Charles have very dexterously contrived to conceal from their readers the real nature of this transaction. By making concessions apparently candid and ample, they elude the great accusation. They allow that the measure was weak, and even frantic—an absurd caprice of Lord Digby, absurdly adopted by the King. And thus they save their client from the full penalty of his transgression, by entering a plea of guilty to the minor offence. To us his conduct appears at this day, as at the time it appeared to the Parliament and the city. We think it by no means so foolish as it pleases his friends to represent it, and far more wicked.

In the first place, the transaction was illegal from beginning to end. The impeachment was illegal. The process was illegal.

The service was illegal. If Charles wished to prosecute the five members for treason, a bill against them should have been sent to a grand jury. That a commoner cannot be tried for high-treason by the Lords at the suit of the Crown, is part of the very alphabet of our law. That no man can be arrested by a message or a verbal summons of the King, with or without a warrant from a responsible magistrate, is equally clear. This was an established maxim of our jurisprudence in the time of Edward the Fourth. 'A subject,' said Chief Justice Markham to that prince, 'may arrest for treason: the king cannot; for if 'the arrest be illegal, the party has no remedy against the king.'

The time at which Charles took this step also deserves consideration. We have already said, that the ardour which the Parliament had displayed at the time of its first meeting had considerably abated; that the leading opponents of the court were desponding, and that their followers were in general inclined to milder and more temperate measures than those which had hitherto been pursued. In every country, and in none more than in England, there is a disposition to take the part of those who are unmercifully run down, and who seem destitute of all means of defence. Every man who has observed the ebb and flow of public feeling in our own time, will easily recall examples to illustrate this remark. An English statesman ought to pay assiduous worship to Nemesis—to be most apprehensive of ruin when he is at the height of power and popularity, and to dread his enemy most, when most completely prostrated. The fate of the Coalition Ministry in 1784, is perhaps the strongest instance in our history of the operation of this principle. A few weeks turned the ablest and most extended ministry that ever existed, into a feeble opposition, and raised a king who was talking of retiring to Hanover, to a height of power which none of his predecessors had enjoyed since the Revolution. A crisis of this description was evidently approaching in 1642. At such a crisis, a prince of a really honest and generous nature, who had erred, who had seen his error, who had regretted the lost affections of his people, who rejoiced in the dawning hope of regaining them, would be peculiarly careful to take no step which could give occasion of offence, even to the unreasonable. On the other hand, a tyrant, whose whole life was a lie, who hated the constitution the more because he had been compelled to feign respect for it, to whom his honour and the love of his people were as nothing, would select such a crisis for some appalling violation of law, for some stroke which might remove the chiefs of an opposition, and intimidate the herd. This, Charles attempted. He missed his blow:—but so narrowly, that it would have been mere madness in those at whom it was aimed, to trust him again.

It deserves to be remarked, that the King had, a short time before, promised the most respectable Royalists in the House of Commons, Falkland, Colepepper, and Hyde, that he would take no measure in which that House was concerned, without consulting them. On this occasion he did not consult them. His conduct astonished them more than any other members of the Assembly. Clarendon says that they were deeply hurt by this want of confidence, and the more hurt, because, if they had been consulted, they would have done their utmost to dissuade Charles from so improper a proceeding. Did it never occur to Clarendon—will it not at least occur to men less partial—that there was good reason for this? When the danger to the throne seemed imminent, the King was ready to put himself for a time into the hands of those who, though they had disapproved of his past conduct, thought that the remedies had now become worse than the distempers. But we believe, that in heart he regarded both the parties in the Parliament with feelings of aversion which differed only in the degree of their intensity; and that the lawful warning which he proposed to give by immolating the principal supporters of the remonstrance, was partly intended for the instruction of those who had concurred in censuring the ship-money, and in abolishing the Star-Chamber.

The Commons informed the King that their members should be forthcoming to answer any charge legally brought against them. The Lords refused to assume the unconstitutional offices with which he attempted to invest them. And what then was his conduct? He went, attended by hundreds of armed men, to seize the objects of his hatred in the house itself! The party opposed to him more than insinuated that his purpose was of the most atrocious kind. We will not condemn him merely on their suspicions;—we will not hold him answerable for the sanguinary expressions of the loose brawlers who composed his train. We will judge of his conduct by itself alone. And we say, without hesitation, that it is impossible to acquit him of having meditated violence, and violence which might probably end in blood. He knew that the legality of his proceedings was denied; he must have known that some of the accused members were not men likely to submit peaceably to an illegal arrest. There was every reason to expect that he would find them in their places, that they would refuse to obey his summons, and that the House would support them in their refusal. What course would then have been left to him? Unless we suppose that he went on this expedition for the sole purpose of making himself ridiculous, we must believe that he would have had recourse to force. There would have been a scuffle; and it might not, under such circum-

stances, have been in his power, even if it were in his inclination, to prevent a scuffle from ending in a massacre. Fortunately for his fame, unfortunately perhaps for what he prized far more, the interests of his hatred and his ambition, the affair ended differently. The birds, as he said, were flown, and his plan was disconcerted. Posterity is not extreme to mark abortive crimes. And thus his advocates have found it easy to represent a step which, but for a trivial accident, might have filled England with mourning and dismay, as a mere error of judgment, wild and foolish, but perfectly innocent. Such was not, however, at the time, the opinion of any party. The most zealous Royalists were so much disgusted and ashamed, that they suspended their opposition to the popular party, and, silently at least, concurred in measures of precaution so strong, as almost to amount to resistance.

From that day, whatever of confidence and loyal attachment had survived the misrule of seventeen years, was, in the great body of the people, extinguished, and extinguished for ever. As soon as the outrage had failed, the hypocrisy recommenced. Down to the very eve of his flagitious attempt, Charles had been talking of his respect for the privileges of Parliament, and the liberties of his people. He began again in the same style on the morrow; but it was too late. To trust him now would have been, not moderation, but insanity. What common security would suffice against a prince who was evidently watching his season with that cold and patient hatred which, in the long run, tires out every other passion?

It is certainly from no admiration of Charles, that Mr Hallam disapproves of the conduct of the House in resorting to arms. But he thinks, that any attempt on the part of that Prince to establish a despotism, would have been as strongly opposed by his adherents as by his enemies, that the constitution might be considered as out of danger, or at least, that it had more to apprehend from war than from the King. On this subject Mr Hallam dilates at length, and with conspicuous ability. We will offer a few considerations, which lead us to incline to a different opinion.

The constitution of England was only one of a large family. In all the monarchies of Western Europe, during the middle ages, there existed restraints on the royal authority, fundamental laws, and representative assemblies. In the fifteenth century, the Government of Castile seems to have been as free as that of our own country. That of Arragon was beyond all question far more so. In France, the sovereign was more absolute. Yet, even in France, the States-General alone could constitu-

tionally impose taxes; and at the very time when the authority of those assemblies was beginning to languish, the Parliament of Paris received such an accession of strength, as enabled it, in some measure, to perform the functions of a legislative assembly. Sweden and Denmark had constitutions of a similar description.

Let us overleap two or three hundred years, and contemplate Europe at the commencement of the eighteenth century. Every free constitution, save one, had gone down. That of England had weathered the danger; and was riding in full security. In Denmark and Sweden, the kings had availed themselves of the disputes which raged between the nobles and the commons, to unite all the powers of government in their own hands. In France the institution of the states was only mentioned by lawyers, as a part of the ancient theory of their government. It slept a deep sleep—destined to be broken by a tremendous waking. No person remembered the sittings of the three orders, or expected ever to see them renewed. Lewis the Fourteenth had imposed on his parliament a patient silence of sixty years. His grandson, after the war of the Spanish succession, assimilated the constitution of Arragon to that of Castile, and extinguished the last feeble remains of liberty in the Peninsula. In England, on the other hand, the parliament was infinitely more powerful than it had ever been. Not only was its legislative authority fully established, but its right to interfere, by advice almost equivalent to command, in every department of the executive government, was recognised. The appointment of ministers, the relations with foreign powers, the conduct of a war or a negotiation, depended less on the pleasure of the Prince, than on that of the two Houses.

What then made us to differ? Why was it that, in that epidemic malady of constitutions, ours escaped the destroying influence; or rather that, at the very crisis of the disease, a favourable turn took place in England, and in England alone? It was not surely without a cause, that so many kindred systems of government, having flourished together so long, languished and expired at almost the same time.

It is the fashion to say, that the progress of civilization is favourable to liberty. The maxim, though on the whole true, must be limited by many qualifications and exceptions. Wherever a poor and rude nation, in which the form of government is a limited monarchy, receives a great accession of wealth and knowledge, it is in imminent danger of falling under arbitrary power.

In such a state of society as that which existed all over Eu-

rope during the middle ages, it was not from the king but from the nobles, that there was danger. Very slight checks sufficed to keep the sovereign in order. His means of corruption and intimidation were very scanty. He had little money, little patronage,—no military establishment. His armies resembled juries. They were drafted out of the mass of the people; they soon returned to it again: and the character which was habitual, prevailed over that which was occasional. A campaign of forty days was too short, the discipline of a national militia too lax, to efface from their minds the feelings of civil life. As they carried to the camp the sentiments and interests of the farm and the shop, so they carried back to the farm and the shop the military accomplishments which they had acquired in the camp. At home they learned how to value their rights,—abroad how to defend them.

Such a military force as this was a far stronger restraint on the regal power, than the legislative assemblies. Resistance to an established government, in modern times so difficult and perilous an enterprise, was, in the fourteenth and fifteenth centuries, the simplest and easiest matter in the world. Indeed, it was far too simple and easy. An insurrection was got up then almost as easily as a petition is got up now. In a popular cause, or even in an unpopular cause favoured by a few great nobles, an army was raised in a week. If the king were, like our Edward the Second, and Richard the Second, generally odious, he could not procure a single bow or halbert. He fell at once and without an effort. In such times a sovereign like Lewis the Fifteenth, or the Emperor Paul, would have been pulled down before his misgovernment had lasted for a month. We find that all the fame and influence of our Edward the Third could not save *his* Madame de Pompadour from the effects of the public hatred.

Hume, and many other writers, have hastily concluded, that in the fifteenth century the English Parliament was altogether servile, because it recognised, without opposition, every successful usurper. That it was not servile, its conduct on many occasions of inferior importance is sufficient to prove. But surely it was not strange, that the majority of the nobles, and of the deputies chosen by the commons, should approve of revolutions which the nobles and commons had effected. The Parliament did not blindly follow the event of war; but participated in those changes of public sentiment, on which the event of war depended. The legal check was secondary and auxiliary to that which the nation held in its own hands. There have always been monarchies in Asia, in which the royal authority has been tempered by fundamental laws, though no legislative body exists to

watch over them. The guarantee is the opinion of a community, of which every individual is a soldier. Thus the king of Caubul, as Mr Elphinstone informs us, cannot augment the land revenue, or interfere with the jurisdiction of the ordinary tribunals.

In the European kingdoms of this description, there were representative assemblies. But it was not necessary that those assemblies should meet very frequently, that they should interfere with all the operations of the executive government, that they should watch with jealousy, and resent with prompt indignation, every violation of the laws which the sovereign might commit. They were so strong, that they might safely be careless. He was so feeble, that he might safely be suffered to encroach. If he ventured too far, chastisement and ruin were at hand. In fact, the people suffered more from his weakness, than from his authority. The tyranny of wealthy and powerful subjects, was the characteristic evil of the times. The royal prerogatives were not even sufficient for the defence of property and the maintenance of police.

The progress of civilization introduced a great change. War became a science; and, as a necessary consequence, a separate trade. The great body of the people grew every day more reluctant to undergo the inconveniences of military service, and better able to pay others for undergoing them. A new class of men, therefore, dependent on the crown alone,—natural enemies of those popular rights, which are to them as the dew to the fleece of Gideon,—slaves among freemen,—freemen among slaves,—grew into importance. That physical force, which in the dark ages had belonged to the nobles and the commons, and had, far more than any charter or any assembly, been the safeguard of their privileges, was transferred entire to the king. Monarchy gained in two ways. The sovereign was strengthened, the subjects weakened. The great mass of the population, destitute of all military discipline and organization, ceased to exercise any influence by force on political transactions. There have, indeed, during the last hundred and fifty years, been many popular insurrections in Europe: But all have failed,—except those in which the regular army has been induced to join the disaffected.

Those legal checks, which had been adequate to the purpose for which they were designed, while the sovereign remained dependent on his subjects, were now found wanting. The dikes, which had been sufficient while the waters were low, were not high enough to keep out the spring-tide. The deluge passed over them; and, according to the exquisite illustration of Butler, the formal boundaries which had excluded it, now held it in. The

old constitutions fared like the old shields and coats of mail. They were the defences of a rude age; and they did well enough against the weapons of a rude age. But new and more formidable means of destruction were invented. The ancient panoply became useless; and it was thrown aside to rust in lumber-rooms, or exhibited only as part of an idle pageant.

Thus absolute monarchy was established on the Continent. England escaped; but she escaped very narrowly. Happily, our insular situation, and the pacific policy of James, rendered standing armies unnecessary here, till they had been for some time kept up in the neighbouring kingdoms. Our public men had therefore an opportunity of watching the effects produced by this momentous change, in forms of government which bore a close analogy to that established in England. Everywhere they saw the power of the monarch increasing, the resistance of assemblies, which were no longer supported by a national force, gradually becoming more and more feeble, and at length altogether ceasing. The friends and the enemies of liberty perceived with equal clearness the causes of this general decay. It is the favourite theme of Strafford. He advises the King to procure from the Judges a recognition of his right to raise an army at his pleasure. 'This piece well fortified,' says he, 'for ever vindicates the monarchy at home from under the conditions and restraints of subjects.' We firmly believe that he was in the right. Nay; we believe that, even if no deliberate scheme of arbitrary government had been formed by the sovereign and his ministers, there was great reason to apprehend a natural extinction of the constitution. If, for example, Charles had played the part of Gustavus Adolphus—if he had carried on a popular war for the defence of the Protestant cause in Germany—if he had gratified the national pride by a series of victories—if he had formed an army of forty or fifty thousand devoted soldiers,—we do not see what chance the nation would have had of escaping from despotism. The Judges would have given as strong a decision in favour of camp-money, as they gave in favour of ship-money. If they had scrupled, it would have made little difference. An individual who resisted would have been treated as Charles treated Eliot, and as Strafford wished to treat Hampden. The Parliament might have been summoned once in twenty years, to congratulate a king on his accession, or to give solemnity to some great measure of state. Such had been the fate of legislative assemblies as powerful, as much respected, as high spirited, as the English Lords and Commons.

The two Houses, surrounded by the ruins of so many free constitutions, overthrown or sapped by the new military system,

were required to intrust the command of an army, and the conduct of the Irish war, to a King who had proposed to himself the destruction of liberty as the great end of his policy. We are decidedly of opinion that it would have been fatal to comply. Many of those who took the side of the King on this question, would have cursed their own loyalty if they had seen him return from war at the head of twenty thousand troops, accustomed to carnage and free quarters in Ireland.

We think with Mr Hallam, that many of the royalist nobility and gentry were true friends to the constitution; and that, but for the solemn protestations by which the King bound himself to govern according to the law for the future, they never would have joined his standard. But surely they underrated the public danger. Falkland is commonly selected as the most respectable specimen of this class. He was indeed a man of great talents, and of great virtues; but, we apprehend, infinitely too fastidious for public life. He did not perceive that in such times as those on which his lot had fallen, the duty of a statesman is to choose the better cause, and to stand by it, in spite of those excesses by which every cause, however good in itself, will be disgraced. The present evil always seemed to him the worst. He was always going backward and forward; but it should be remembered to his honour, that it was always from the stronger to the weaker side that he deserted. While Charles was oppressing the people, Falkland was a resolute champion of liberty. He attacked Strafford. He even concurred in strong measures against Episcopacy. But the violence of his party annoyed him, and drove him to the other party, to be equally annoyed there. Dreading the success of the cause which he had espoused, sickened by the courtiers of Oxford, as he had been sickened by the patriots of Westminster, yet bound by honour not to abandon them, he pined away, neglected his person, went about moaning for peace, and at last rushed desperately on death as the best refuge in such miserable times. If he had lived through the scenes that followed, we have little doubt that he would have condemned himself to share the exile and beggary of the royal family; that he would then have returned to oppose all their measures; that he would have been sent to the Tower by the Commons as a disbeliever in the Popish Plot, and by the King as an accomplice in the Rye-House Plot; and that, if he had escaped being hanged, first by Scroggs, and then by Jefferies, he would, after manfully opposing James the Second through his whole reign, have been seized with a fit of compassion at the very moment of the Revolution, have voted for a regency, and died a non-juror.

We do not dispute that the royal party contained many excel-

lent men and excellent citizens. But this we say,—that they did not discern those times. The peculiar glory of the Houses of Parliament is, that, in the great plague and mortality of constitutions, they took their stand between the living and the dead. At the very crisis of our destiny, at the very moment when the fate which had passed on every other nation was about to pass on England, they arrested the danger.

Those who conceive that the parliamentary leaders were desirous merely to maintain the old constitution, and those who represent them as conspiring to subvert it, are equally in error. The old constitution, as we have attempted to show, could not be maintained. The progress of time, the increase of wealth, the diffusion of knowledge, the great change in the European system of war, rendered it impossible that any of the monarchies of the middle ages should continue to exist on the old footing. The prerogative of the crown was constantly advancing. If the privileges of the people were to remain absolutely stationary, they would relatively retrograde. The monarchical and democratical parts of the government were placed in a situation not unlike that of the two brothers in the Fairy Queen, one of whom saw the soil of his inheritance daily washed away by the tide, and joined to that of his rival. The portions had at first been fairly meted out; by a natural and constant transfer, the one had been extended; the other had dwindled to nothing. A new partition, or a compensation, was necessary to restore the original equality.

It was now absolutely necessary to violate the formal part of the constitution, in order to preserve its spirit. This might have been done, as it was done at the Revolution, by expelling the reigning family, and calling to the throne princes, who, relying solely on an elective title, would find it necessary to respect the privileges and follow the advice of the assemblies to which they owed every thing, to pass every bill which the legislature strongly pressed upon them, and to fill the offices of state with men in whom it confided. But as the two Houses did not choose to change the dynasty, it was necessary that they should do directly what at the Revolution was done indirectly. Nothing is more usual than to hear it said, that if the Long Parliament had contented itself with making such a reform in the government under Charles, as was afterwards made under William, it would have had the highest claim to national gratitude; and that in its violence it overshot the mark. But how was it possible to make such a settlement under Charles? Charles was not, like William and the princes of the Hanoverian line, bound by community of interests and dangers to the two Houses. It was therefore necessary that they should bind him by treaty and statute.

Mr Hallam reprobates, in language which has a little surprised us, the nineteen propositions into which the Parliament digested its scheme. We will ask him whether he does not think that, if James the Second had remained in the island, and had been suffered—as he probably would in that case have been suffered—to keep his crown, conditions to the full as hard would have been imposed on him? On the other hand, if the Long Parliament had pronounced the departure of Charles from London an abdication, and had called Essex or Northumberland to the throne, the new prince might have safely been suffered to reign without such restrictions;—his situation would have been a sufficient guarantee. In the nineteen propositions, we see very little to blame except the articles against the Catholics. These, however, were in the spirit of that age; and to some sturdy churchmen in our own, they may seem to palliate even the good which the Long Parliament effected. The regulation with respect to new creations of Peers is the only other article about which we entertain any doubt.

One of the propositions is, that the Judges shall hold their offices during good behaviour. To this surely no exception will be taken. The right of directing the education and marriage of the Princes was most properly claimed by the Parliament, on the same ground on which, after the Revolution, it was enacted, that no King, on pain of forfeiting his throne, should espouse a Papist. Unless we condemn the statesmen of the Revolution, who conceived that England could not safely be governed by a Sovereign married to a Catholic Queen, we can scarcely condemn the Long Parliament, because, having a Sovereign so situated, they thought it necessary to place him under strict restraints. The influence of Henrietta Maria had already been deeply felt in political affairs. In the regulation of her family, in the education and marriage of her children, it was still more likely to be felt. There might be another Catholic Queen; possibly, a Catholic King. Little as we are disposed to join in the vulgar clamour on this subject, we think that such an event ought to be, if possible, averted; and this could only be done, if Charles was to be left on the throne, by placing his domestic arrangements under the control of Parliament.

A veto on the appointment of ministers was demanded. But this veto Parliament has virtually possessed ever since the Revolution. It is no doubt very far better that this power of the legislature should be exercised as it is now exercised, when any great occasion calls for interference, than that at every change it should have to signify its approbation or disapprobation in form. But, unless a new family had been placed on the throne, we do not see how this power could have been exercised as it is

now exercised. We again repeat, that no restraints which could be imposed on the princes who reigned after the Revolution could have added to the security which their title afforded. They were compelled to court their Parliaments. But from Charles nothing was to be expected which was not set down in the bond.

It was not stipulated that the King should give up his negative on acts of Parliament. But the Commons had certainly shown a strong disposition to exact this security also. 'Such 'a doctrine,' says Mr Hallam, 'was in this country as repugnant 'to the whole history of our laws, as it was incompatible with the 'subsistence of the monarchy in any thing more than a nominal 'pre-eminence.' Now this article has been as completely carried into effect by the Revolution, as if it had been formally inserted in the Bill of Rights and the Act of Settlement. We are surprised, we confess, that Mr Hallam should attach so much importance to a prerogative which has not been exercised for a hundred and thirty years, which probably will never be exercised again, and which can scarcely in any conceivable case be exercised for a salutary purpose.

But the great security, that without which every other would have been insufficient, was the power of the sword. This both parties thoroughly understood. The Parliament insisted on having the command of the militia, and the direction of the Irish war. 'By God, not for an hour!' exclaimed the King. 'Keep 'the militia;' said the Queen, after the defeat of the royal party, 'keep the militia; that will bring back every thing.' That, by the old constitution, no military authority was lodged in the Parliament, Mr Hallam has clearly shown. That it is a species of power which ought not to be permanently lodged in large and divided assemblies, must, we think, in fairness be conceded. Opposition, publicity, long discussion, frequent compromise, these are the characteristics of the proceedings in such bodies. Unity, secrecy, decision, are the qualities which military arrangements require. This undoubtedly was an evil. But, on the other hand, at such a crisis to trust such a King with the very weapon which, in hands less dangerous, had destroyed so many free constitutions, would have been the extreme of rashness. The jealousy with which the oligarchy of Venice and the States of Holland regarded their generals and armies, induced them perpetually to interfere in matters of which they were incompetent to judge. This policy secured them against military usurpation, but placed them under great disadvantages in war. The uncontrolled power which the King of France exercised over his troops enabled him to conquer his enemies, but enabled him also to oppress his people. Was there any intermediate course? None, we confess, altogether free from objection. But, on the whole, we conceive that

the best measure would have been that which the Parliament over and over proposed,—that for a limited time the power of the sword should be left to the two Houses, and that it should revert to the Crown when the constitution should be firmly established; when the new securities of freedom should be so far strengthened by prescription, that it would be difficult to employ even a standing army for the purpose of subverting them.

Mr Hallam thinks that the dispute might easily have been compromised, by enacting that the King should have no power to keep a standing army on foot without the consent of Parliament. He reasons as if the question had been merely theoretical—as if at that time no army had been wanted. 'The king-'dom,' he says, 'might have well dispensed, in that age, with any 'military organization.' Now, we think that Mr Hallam overlooks the most important circumstance in the whole case. Ireland was at that moment in rebellion; and a great expedition would obviously be necessary to reduce that kingdom to obedience. The Houses had therefore to consider, not an abstract question of law, but an urgent practical question, directly involving the safety of the state. They had to consider the expediency of immediately giving a great army to a King, who was at least as desirous to put down the Parliament of England as to conquer the insurgents of Ireland.

Of course, we do not mean to defend all their measures. Far from it. There never was a perfect man; it would, therefore, be the height of absurdity to expect a perfect party or a perfect assembly. For large bodies are far more likely to err than individuals. The passions are inflamed by sympathy; the fear of punishment and the sense of shame are diminished by partition. Every day we see men do for their faction what they would die rather than do for themselves.

No private quarrel ever happens, in which the right and wrong are so exquisitely divided, that all the right lies on one side, and all the wrong on the other. But here was a schism which separated a great nation into two parties. Of these parties, each was composed of many smaller parties. Each contained many members, who differed far less from their moderate opponents than from their violent allies. Each reckoned among its supporters many who were determined in their choice by some accident of birth, of connexion, or of local situation. Each of them attracted to itself in multitudes those fierce and turbid spirits, to whom the clouds and whirlwinds of the political hurricane are the atmosphere of life. A party, like a camp, has its sutlers and camp-followers, as well as its soldiers. In its progress it collects round it a vast retinue, composed of

people who thrive by its custom, or are amused by its display, who may be sometimes reckoned, in an ostentatious enumeration, as forming a part of it, but who give no aid to its operations, and take but a languid interest in its success; who relax its discipline, and dishonour its flag by their irregularities; and who, after a disaster, are perfectly ready to cut the throats and rifle the baggage of their companions.

Thus it is in every great division: and thus it was in our civil war. On both sides there was, undoubtedly, enough of crime and enough of error, to disgust any man who did not reflect that the whole history of the species is nothing but a comparison of crimes and errors. Misanthropy is not the temper which qualifies a man to act in great affairs, or to judge of them.

'Of the Parliament,' says Mr Hallam, 'it may be said, I 'think, with not greater severity than truth, that scarce two or 'three public acts of justice, humanity, or generosity, and very 'few of political wisdom or courage, are recorded of them, from 'their quarrel with the King, to their expulsion by Cromwell.' Those who may agree with us in the opinion which we have expressed as to the original demands of the Parliament, will scarcely concur in this strong censure. The propositions which the Houses made at Oxford, at Uxbridge, and at Newcastle, were in strict accordance with these demands. In the darkest period of the war, they showed no disposition to concede any vital principle. In the fulness of their success, they showed no disposition to encroach beyond these limits. In this respect we cannot but think that they showed justice and generosity, as well as political wisdom and courage.

The Parliament was certainly far from faultless. We fully agree with Mr Hallam in reprobating their treatment of Laud. For the individual, indeed, we entertain a more unmitigated contempt than for any other character in our history. The fondness with which a portion of the church regards his memory, can be compared only to that perversity of affection which sometimes leads a mother to select the monster or the idiot of the family as the object of her especial favour. Mr Hallam has incidentally observed, that in the correspondence of Laud with Strafford, there are no indications of a sense of duty towards God or man. The admirers of the Archbishop have, in consequence, inflicted upon the public a crowd of extracts, designed to prove the contrary. Now, in all those passages, we see nothing which a prelate as wicked as Pope Alexander or Cardinal Dubois might not have written. They indicate no sense of duty to God or man; but simply a strong interest in the prosperity and dignity of the order to which the

writer belonged; an interest which, when kept within certain limits, does not deserve censure, but which can never be considered as a virtue. Laud is anxious to accommodate satisfactorily the disputes in the University of Dublin. He regrets to hear that a church is used as a stable, and that the benefices of Ireland are very poor. He is desirous that, however small a congregation may be, service should be regularly performed. He expresses a wish that the judges of the court before which questions of tithe are generally brought, should be selected with a view to the interest of the clergy. All this may be very proper; and it may be very proper that an alderman should stand up for the tolls of his borough, and an East Indian director for the charter of his Company. But it is ridiculous to say that these things indicate piety and benevolence. No primate, though he were the most abandoned of mankind, would wish to see the body, with the consequence of which his own consequence was identical, degraded in the public estimation by internal dissensions, by the ruinous state of its edifices, and the slovenly performance of its rites. We willingly acknowledge that the particular letters in question have very little harm in them;—a compliment which cannot often be paid either to the writings or to the actions of Laud.

Bad as the Archbishop was, however, he was not a traitor within the statute. Nor was he by any means so formidable as to be a proper subject for a retrospective ordinance of the legislature. His mind had not expansion enough to comprehend a great scheme, good or bad. His oppressive acts were not, like those of the Earl of Strafford, parts of an extensive system. They were the luxuries in which a mean and irritable disposition indulges itself from day to day,—the excesses natural to a little mind in a great place. The severest punishment which the two Houses could have inflicted on him, would have been to set him at liberty, and send him to Oxford. There he might have staid, tortured by his own diabolical temper, hungering for Puritans to pillory and mangle, plaguing the cavaliers, for want of somebody else to plague, with his peevishness and absurdity, performing grimaces and antics in the cathedral, continuing that incomparable diary, which we never see without forgetting the vices of his heart in the abject imbecility of his intellect, minuting down his dreams, counting the drops of blood which fell from his nose, watching the direction of the salt, and listening for the note of the screech-owl! Contemptuous mercy was the only vengeance which it became the Parliament to take on such a ridiculous old bigot.

The Houses, it must be acknowledged, committed great errors

in the conduct of the war; or rather one great error, which brought their affairs into a condition requiring the most perilous expedients. The Parliamentary leaders of what may be called the first generation, Essex, Manchester, Northumberland, Hollis, even Pym,—all the most eminent men, in short, Hampden excepted, were inclined to half-measures. They dreaded a decisive victory almost as much as a decisive overthrow. They wished to bring the King into a situation which might render it necessary for him to grant their just and wise demands; but not to subvert the constitution, or to change the dynasty. They were afraid of serving the purposes of those fiercer and more determined enemies of monarchy, who now began to show themselves in the lower ranks of the party. The war was, therefore, conducted in a languid and inefficient manner. A resolute leader might have brought it to a close in a month. At the end of three campaigns, however, the event was still dubious; and that it had not been decidedly unfavourable to the cause of liberty, was principally owing to the skill and energy which the more violent Roundheads had displayed in subordinate situations. The conduct of Fairfax and Cromwell at Marston had exhibited a remarkable contrast to that of Essex at Edgehill, and Waller at Lansdown.

If there be any truth established by the universal experience of nations, it is this;—that to carry the spirit of peace into war, is a weak and cruel policy. The time of negotiation is the time for deliberation and delay. But when an extreme case calls for that remedy, which is in its own nature most violent, and which, in such cases, is a remedy only because it is violent, it is idle to think of mitigating and diluting. Languid war can do nothing which negotiation or submission will not do better: and to act on any other principle, is not to save blood and money, but to squander them.

This the Parliamentary leaders found. The third year of hostilities was drawing to a close: and they had not conquered the King. They had not obtained even those advantages which they had expected, from a policy obviously erroneous in a military point of view. They had wished to husband their resources. They now found that, in enterprises like theirs, parsimony is the worst profusion. They had hoped to effect a reconciliation. The event taught them that the best way to conciliate, is to bring the work of destruction to a speedy termination. By their moderation many lives and much property had been wasted. The angry passions which, if the contest had been short, would have died away almost as soon as they appeared, had fixed themselves in the form of deep and lasting

hatred. A military caste had grown up. Those who had been induced to take up arms by the patriotic feelings of citizens, had begun to entertain the professional feelings of soldiers. Above all, the leaders of the party had forfeited its confidence. If they had, by their valour and abilities, gained a complete victory, their influence might have been sufficient to prevent their associates from abusing it. It was now necessary to choose more resolute and uncompromising commanders. Unhappily the illustrious man who alone united in himself all the talents and virtues which the crisis required, who alone could have saved his country from the present dangers without plunging her into others, who alone could have united all the friends of liberty in obedience to his commanding genius and his venerable name, was no more. Something might still be done. The Houses might still avert that worst of all evils, the triumphant return of an imperious and unprincipled master. They might still preserve London from all the horrors of rapine, massacre, and lust. But their hopes of a victory as spotless as their cause—of a reconciliation which might knit together the hearts of all honest Englishmen for the defence of the public good,—of durable tranquillity,—of temperate freedom, were buried in the grave of Hampden.

The self-denying ordinance was passed, and the army was remodelled. These measures were undoubtedly full of danger. But all that was left to the Parliament was to take the less of two dangers. And we think that, even if they could have accurately foreseen all that followed, their decision ought to have been the same. Under any circumstances, we should have preferred Cromwell to Charles. But there could be no comparison between Cromwell, and Charles victorious,—Charles restored, Charles enabled to feed fat all the hungry grudges of his smiling rancour, and his cringing pride. The next visit of his Majesty to his faithful Commons would have been more serious than that with which he last honoured them; more serious than that which their own General paid them some years after. The King would scarce have been content with collaring Marten, and praying that the Lord would deliver him from Vane. If, by fatal mismanagement, nothing was left to England but a choice of tyrants, the last tyrant whom she should have chosen was Charles.

From the apprehension of this worst evil the Houses were soon delivered by their new leaders. The armies of Charles were everywhere routed; his fastnesses stormed; his party humbled and subjugated. The King himself fell into the hands of the Parliament; and both the King and the Parliament soon

fell into the hands of the army. The fate of both the captives was the same. Both were treated alternately with respect and with insult. At length the natural life of the one, and the political life of the other, were terminated by violence; and the power for which both had struggled was united in a single hand. Men naturally sympathise with the calamities of individuals; but they are inclined to look on a fallen party with contempt rather than with pity. Thus misfortune turned the greatest of Parliaments into the despised Rump, and the worst of Kings into the Blessed Martyr.

Mr Hallam decidedly condemns the execution of Charles; and in all that he says on that subject, we heartily agree. We fully concur with him in thinking that a great social schism, such as the civil war, is not to be confounded with an ordinary treason; and that the vanquished ought to be treated according to the rules, not of municipal, but of international law. In this case the distinction is of the less importance, because both international and municipal law were in favour of Charles. He was a prisoner of war by the former, a king by the latter. By neither was he a traitor. If he had been successful, and had put his leading opponents to death, he would have deserved severe censure; and this without reference to the justice or injustice of his cause. Yet the opponents of Charles, it must be admitted, were technically guilty of treason. He might have sent them to the scaffold without violating any established principle of jurisprudence. He would not have been compelled to overturn the whole constitution in order to reach them. Here his own case differed widely from theirs. Not only was his condemnation in itself a measure which only the strongest necessity could vindicate, but it could not be procured without taking several previous steps, every one of which would have required the strongest necessity to vindicate it. It could not be procured without dissolving the government by military force, without establishing precedents of the most dangerous description, without creating difficulties which the next ten years were spent in removing, without pulling down institutions which it soon became necessary to reconstruct, and setting up others which almost every man was soon impatient to destroy. It was necessary to strike the House of Lords out of the constitution, to exclude members of the House of Commons by force, to make a new crime, a new tribunal, a new mode of procedure. The whole legislative and judicial systems were trampled down for the purpose of taking a single head. Not only those parts of the constitution which the republicans were desirous to destroy, but those which they wished to retain and exalt, were deeply

injured by these transactions. High Courts of Justice began to usurp the functions of juries. The remaining delegates of the people were soon driven from their seats by the same military violence which had enabled them to exclude their colleagues.

If Charles had been the last of his line, there would have been an intelligible reason for putting him to death. But the blow which terminated his life, at once tranferred the allegiance of every royalist to an heir, and an heir, who was at liberty. To kill the individual, was truly, under such circumstances, not to destroy, but to release the king.

We detest the character of Charles; but a man ought not to be removed by a law *ex post facto*, even constitutionally procured, merely because he is detestable. He must also be very dangerous. We can scarcely conceive that any danger which a state can apprehend from any individual, could justify the violent measures which were necessary to procure a sentence against Charles. But in fact the danger amounted to nothing. There was indeed danger from the attachment of a large party to his office. But this danger, his execution only increased. His personal influence was little indeed. He had lost the confidence of every party. Churchmen, Catholics, Presbyterians, Independents, his enemies, his friends, his tools, English, Scotch, Irish, all divisions and subdivisions of his people had been deceived by him. His most attached councillors turned away with shame and anguish from his false and hollow policy; plot intertwined with plot, mine sprung beneath mine, agents disowned, promises evaded, one pledge given in private, another in public.—'Oh, 'Mr Secretary,' says Clarendon, in a letter to Nicolas, 'those 'stratagems have given me more sad hours than all the misfor-'tunes in war which have befallen the King; and look like the 'effects of God's anger towards us.'

The abilities of Charles were not formidable. His taste in the fine arts was indeed exquisite. He was as good a writer and speaker as any modern sovereign has been. But he was not fit for active life. In negotiation he was always trying to dupe others, and duping only himself. As a soldier, he was feeble, dilatory, and miserably wanting, not in personal courage, but in the presence of mind which his station required. His delay at Gloucester saved the parliamentary party from destruction. At Naseby, in the very crisis of his fortune, his want of self-possession spread a fatal panic through his army. The story which Clarendon tells of that affair, reminds us of the excuses by which Bessus and Bobadil explain their cudgellings. A Scotch nobleman, it seems, begged the king not to run upon his death, took hold of his bridle, and turned his horse round. No man who

had much value for his life would have tried to perform the same friendly office on that day for Oliver Cromwell.

One thing, and one alone, could make Charles dangerous,—a violent death. His tyranny could not break the high spirit of the English people. His arms could not conquer, his arts could not deceive them; but his humiliation and his execution melted them into a generous compassion. Men who die on a scaffold for political offences, almost always die well. The eyes of thousands are fixed upon them. Enemies and admirers are watching their demeanour. Every tone of voice, every change of colour, is to go down to posterity. Escape is impossible. Supplication is vain. In such a situation, pride and despair have often been known to nerve the weakest minds with fortitude adequate to the occasion. Charles died patiently and bravely; not more patiently or bravely, indeed, than many other victims of political rage; not more patiently or bravely than his own Judges, who were not only killed, but tortured, or than Vane, who had always been considered as a timid man. However, his conduct during his trial and at his execution made a prodigious impression. His subjects began to love his memory as heartily as they had hated his person; and posterity has estimated his character from his death, rather than from his life.

To represent Charles as a martyr in the cause of Episcopacy, is absurd. Those who put him to death cared as little for the Assembly of Divines as for the Convocation; and would, in all probability, only have hated him the more, if he had agreed to set up the Presbyterian discipline: and, in spite of the opinion of Mr Hallam, we are inclined to think that the attachment of Charles to the Church of England was altogether political. Human nature is indeed so capricious, that there may be a single sensitive point in a conscience which everywhere else is callous. A man without truth or humanity may have some strange scruples about a trifle. There was one devout warrior in the royal camp, whose piety bore a great resemblance to that which is ascribed to the king. We mean Colonel Turner. That gallant cavalier was hanged, after the Restoration, for a flagitious burglary. At the gallows, he told the crowd that his mind received great consolation from one reflection—he had always taken off his hat when he went into a church! The character of Charles would scarcely rise in our estimation, if we believed that he was pricked in conscience, after the manner of this worthy loyalist; and that, while violating all the first rules of Christian morality, he was sincerely scrupulous about church-government. But we acquit him of such weakness. In 1641, he deliberately confirmed the Scotch declaration, which stated that the government of the

church by archbishops and bishops was contrary to the word of God. In 1645, he appears to have offered to set up Popery in Ireland. That a king who had established the Presbyterian religion in one kingdom, and who was willing to establish the Catholic religion in another, should have insurmountable scruples about the ecclesiastical constitution of the third, is altogether incredible. He himself says in his letters, that he looks on Episcopacy as a stronger support of monarchical power than even the army. From causes which we have already considered, the Established Church had been, since the Reformation, the great bulwark of the prerogative. Charles wished, therefore, to preserve it. He thought himself necessary both to the Parliament and to the army. He did not foresee, till too late, that by paltering with the Presbyterians, he should put both them and himself into the power of a fiercer and more daring party. If he had foreseen it, we suspect that the royal blood, which still cries to Heaven every thirtieth of January for judgments, only to be averted by salt fish and egg-sauce, would never have been shed. One who had swallowed the Scotch Declaration, would scarcely strain at the Covenant.

The death of Charles, and the strong measures which led to it, raised Cromwell to a height of power fatal to the infant commonwealth. No men occupy so splendid a place in history as those who have founded monarchies on the ruins of republican institutions. Their glory, if not of the purest, is assuredly of the most seductive and dazzling kind. In nations broken to the curb, in nations long accustomed to be transferred from one tyrant to another, a man without eminent qualities, may easily gain supreme power. The defection of a troop of guards, a conspiracy of eunuchs, a popular tumult, might place an indolent senator or a brutal soldier on the throne of the Roman world. Similar revolutions have often occurred in the despotic states of Asia. But a community which has heard the voice of truth, and experienced the pleasures of liberty,—in which the merits of statesmen and of systems are freely canvassed,—in which obedience is paid, not to persons, but to laws,—in which magistrates are regarded, not as the lords, but as the servants of the public,—in which the excitement of party is a necessary of life,—in which political warfare is reduced to a system of tactics;—such a community is not easily reduced to servitude. Beasts of burden may easily be managed by a new master; but will the wild ass submit to the bonds? will the unicorn serve and abide by the crib? will leviathan hold out his nostrils to the hook? The mythological conqueror of the East, whose enchantments reduced the wild beasts to the tameness of domestic cattle, and who

harnessed lions and tigers to his chariot, is but an imperfect type of those extraordinary minds which have thrown a spell on the fierce spirits of nations unaccustomed to control, and have compelled raging factions to obey their reins, and swell their triumph. The enterprise, be it good or bad, is one which requires a truly great man. It demands courage, activity, energy, wisdom, firmness, conspicuous virtues, or vices so splendid and alluring as to resemble virtues.

Those who have succeeded in this arduous undertaking, form a very small and a very remarkable class. Parents of tyranny, but heirs of freedom, kings among citizens, citizens among kings, they unite in themselves the characteristics of the system which springs from them, and of the system from which they have sprung. Their reigns shine with a double light, the last and dearest rays of departing freedom, mingled with the first and brightest glories of empire in its dawn. Their high qualities lend to despotism itself a charm drawn from the institutions under which they were formed, and which they have destroyed. They resemble Europeans who settle within the Tropics, and carry thither the strength and the energetic habits acquired in regions more propitious to the constitution. They differ as widely from princes nursed in the purple of imperial cradles, as the companions of Gama, from their dwarfish and imbecile progeny, which, born in a climate unfavourable to its growth and beauty, degenerates more and more, at every descent, from the qualities of the original conquerors.

In this class three men stand pre-eminent, Cæsar, Cromwell, and Bonaparte. The highest place in this remarkable triumvirate, belongs undoubtedly to Cæsar. He united the talents of Bonaparte to those of Cromwell; and he possessed also, what neither Cromwell nor Bonaparte possessed, learning, taste, wit, eloquence, the sentiments and the manners of an accomplished gentleman.

Between Cromwell and Napoleon, Mr Hallam has instituted a parallel, scarcely less ingenious than that which Burke has drawn between Richard Cœur de Lion, and Charles the Twelfth of Sweden. In this parallel, however, and indeed throughout his work, we think, that he hardly gives Cromwell fair measure. 'Cromwell,' says he, 'far unlike his antitype, never showed any 'signs of a legislative mind, or any desire to place his renown 'on that noblest basis, the amelioration of social institutions.' The difference, in this respect, we conceive, was not in the characters of the men, but in the characters of the revolutions by means of which they rose to power. The civil war in England had been undertaken to defend and restore; the republicans of

France set themselves to destroy. In England, the principles of the common law had never been disturbed; and most even of its forms had been held sacred. In France, the law and its ministers had been swept away together. In France, therefore, legislation necessarily became the first business of the first settled government which rose on the ruins of the old system. The admirers of Inigo Jones have always maintained that his works are inferior to those of Sir Christopher Wren, only because the great fire of London gave to the latter such a field for the display of his powers, as no architect in the history of the world ever possessed. Similar allowance must be made for Cromwell. If he erected little that was new, it was because there had been no general devastation to clear a space for him. As it was, he reformed the representative system in a most judicious manner. He rendered the administration of justice uniform throughout the island. We will quote a passage from his speech to the Parliament in September 1656, which contains, we think, stronger indications of a legislative mind, than are to be found in the whole range of orations delivered on such occasions before or since.

'There is one general grievance in the nation. It is the law '. . . . I think, I may say it, I have as eminent judges in this 'land as have been had, or that the nation has had for these 'many years. Truly, I could be particular as to the executive 'part, to the administration; but that would trouble you. But 'the truth of it is, there are wicked and abominable laws that 'will be in your power to alter. To hang a man for sixpence, 'threepence, I know not what,—to hang for a trifle and pardon 'murder, is in the ministration of the law through the ill fra'ming of it. I have known in my experience abominable mur'ders quitted; and to see men lose their lives for petty matters! 'This is a thing that God will reckon for; and I wish it may 'not lie upon this nation a day longer than you have an oppor'tunity to give a remedy; and I hope I shall cheerfully join 'with you in it.'

Mr Hallam truly says, that though it is impossible to rank Cromwell with Napoleon as a general, yet 'his exploits were as 'much above the level of his contemporaries, and more the ef'fects of an original uneducated capacity.' Bonaparte was trained in the best military schools; the army which he led to Italy was one of the finest that ever existed. Cromwell passed his youth and the prime of his manhood in a civil situation. He never looked on war, till he was more than forty years old. He had first to form himself, and then to form his troops. Out of raw levies he created an army, the bravest and the best dis-

ciplined, the most orderly in peace, and the most terrible in war, that Europe had seen. He called this body into existence. He led it to conquest. He never fought a battle without gaining a victory. He never gained a victory without annihilating the force opposed to him. Yet his triumphs were not the highest glory of his military system. The respect which his troops paid to property, their attachment to the laws and religion of their country, their submission to the civil power, their temperance, their intelligence, their industry, are without parallel. It was after the Restoration that the spirit which their great leader had infused into them was most signally displayed. At the command of the established government, a government which had no means of enforcing obedience, fifty thousand soldiers, whose backs no enemy had ever seen, either in domestic or in continental war, laid down their arms, and retired into the mass of the people—thenceforward to be distinguished only by superior diligence, sobriety, and regularity in the pursuits of peace, from the other members of the community which they had saved.

In the general spirit and character of his administration, we think Cromwell far superior to Napoleon. 'In civil government,' says Mr Hallam, 'there can be no adequate parallel between one who had sucked only the dregs of a besotted fanaticism, and one to whom the stores of reason and philosophy were open.' These expressions, it seems to us, convey the highest eulogium on our great countryman. Reason and philosophy did not teach the conqueror of Europe to command his passions, or to pursue, as a first object, the happiness of his people. They did not prevent him from risking his fame and his power in a frantic contest against the principles of human nature and the laws of the physical world, against the rage of the winter and the liberty of the sea. They did not exempt him from the influence of that most pernicious of superstitions, a presumptuous fatalism. They did not preserve him from the inebriation of prosperity, or restrain him from indecent querulousness and violence in adversity. On the other hand, the fanaticism of Cromwell never urged him on impracticable undertakings, or confused his perception of the public good. Inferior to Bonaparte in invention, he was far superior to him in wisdom. The French Emperor is among conquerors what Voltaire is among writers, a miraculous child. His splendid genius was frequently clouded by fits of humour as absurdly perverse as those of the pet of the nursery, who quarrels with his food, and dashes his play-things to pieces. Cromwell was emphatically a man. He possessed, in an eminent degree, that masculine and full-grown robustness of mind, that equally diffused intellectual

health, which, if our national partiality does not mislead us, has peculiarly characterised the great men of England. Never was any ruler so conspicuously born for sovereignty. The cup which has intoxicated almost all others, sobered him. His spirit, restless from its buoyancy in a lower sphere, reposed in majestic placidity as soon as it had reached the level congenial to it. He had nothing in common with that large class of men who distinguish themselves in lower posts, and whose incapacity becomes obvious as soon as the public voice summons them to take the lead. Rapidly as his fortunes grew, his mind expanded more rapidly still. Insignificant as a private citizen, he was a great general; he was a still greater prince. The manner of Napoleon was a theatrical compound, in which the coarseness of a revolutionary guard-room was blended with the ceremony of the old Court of Versailles. Cromwell, by the confession even of his enemies, exhibited in his demeanour the simple and natural nobleness of a man neither ashamed of his origin, nor vain of his elevation; of a man who had found his proper place in society, and who felt secure that he was competent to fill it. Easy, even to familiarity, where his own dignity was concerned, he was punctilious only for his country. His own character he left to take care of itself; he left it to be defended by his victories in war, and his reforms in peace. But he was a jealous and implacable guardian of the public honour. He suffered a crazy Quaker to insult him in the midst of Whitehall, and revenged himself only by liberating him and giving him a dinner. But he was prepared to risk the chances of war to avenge the blood of a private Englishman.

No sovereign ever carried to the throne so large a portion of the best qualities of the middling orders—so strong a sympathy with the feelings and interests of his people. He was sometimes driven to arbitrary measures; but he had a high, stout, honest, English heart. Hence it was that he loved to surround his throne with such men as Hale and Blake. Hence it was that he allowed so large a share of political liberty to his subjects, and that, even when an opposition dangerous to his power and to his person, almost compelled him to govern by the sword, he was still anxious to leave a germ from which, at a more favourable season, free institutions might spring. We firmly believe, that if his first Parliament had not commenced its debates by disputing his title, his government would have been as mild at home as it was energetic and able abroad. He was a soldier;—he had risen by war. Had his ambition been of an impure or selfish kind, it would have been easy for him to plunge his country

into continental hostilities on a large scale, and to dazzle the restless factions which he ruled, by the splendour of his victories. Some of his enemies have sneeringly remarked, that in the successes obtained under his administration, he had no personal share; as if a man who had raised himself from obscurity to empire solely by his military talents, could have any unworthy reason for shrinking from military enterprise. This reproach is his highest glory. In the success of the English navy he could have no selfish interest. Its triumphs added nothing to his fame; its increase added nothing to his means of overawing his enemies; its great leader was not his friend. Yet he took a peculiar pleasure in encouraging that noble service, which, of all the instruments employed by an English government, is the most impotent for mischief, and the most powerful for good. His administration was glorious, but with no vulgar glory. It was not one of those periods of overstrained and convulsive exertion which necessarily produce debility and languor. Its energy was natural, healthful, temperate. He placed England at the head of the Protestant interest, and in the first rank of Christian powers. He taught every nation to value her friendship and to dread her enmity. But he did not squander her resources in a vain attempt to invest her with that supremacy which no power, in the modern system of Europe, can safely affect, or can long retain.

This noble and sober wisdom had its reward. If he did not carry the banners of the Commonwealth in triumph to distant capitals; if he did not adorn Whitehall with the spoils of the Stadthouse and the Louvre; if he did not portion out Flanders and Germany into principalities for his kinsmen and his generals; he did not, on the other hand, see his country over-run by the armies of nations which his ambition had provoked. He did not drag out the last years of his life an exile and a prisoner, in an unhealthy climate and under an ungenerous gaoler; raging with the impotent desire of vengeance, and brooding over visions of departed glory. He went down to his grave in the fulness of power and fame; and left to his son an authority which any man of ordinary firmness and prudence would have retained.

But for the weakness of that foolish Ishbosheth, the opinions which we have been expressing would, we believe, now have formed the orthodox creed of good Englishmen. We might now be writing under the government of his Highness Oliver the Fifth, or Richard the Fourth, Protector, by the grace of God, of the Commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging. The form of the great founder

of the dynasty, on horseback, as when he led the charge at Naseby, or on foot, as when he took the mace from the table of the Commons, would adorn all our squares, and overlook our public offices from Charing-Cross; and sermons in his praise would be duly preached on his lucky day, the third of September, by court-chaplains, guiltless of the abominations of the surplice.

But, though his memory has not been taken under the patronage of any party, though every device has been used to blacken it, though to praise him would long have been a punishable crime, yet truth and merit at last prevail. Cowards, who had trembled at the very sound of his name, tools of office who, like Downing, had been proud of the honour of lacqueying his coach, might insult him in loyal speeches and addresses. Venal poets might transfer to the King the same eulogies, little the worse for wear, which they had bestowed on the Protector. A fickle multitude might crowd to shout and scoff round the gibbeted remains of the greatest Prince and Soldier of the age. But when the Dutch cannon startled an effeminate tyrant in his own palace, when the conquests which had been made by the armies of Cromwell were sold to pamper the harlots of Charles, when Englishmen were sent to fight, under the banners of France, against the independence of Europe and the Protestant religion, many honest hearts swelled in secret at the thought of one who had never suffered his country to be ill used by any but himself. It must indeed have been difficult for any Englishman to see the salaried Viceroy of France, at the most important crisis of his fate, sauntering through his haram, yawning and talking nonsense over a despatch, or beslobbering his brother and his courtiers in a fit of maudlin affection,* without a respectful and tender remembrance of Him, before whose genius the young pride of Lewis, and the veteran craft of Mazarin, had stood rebuked; who had humbled Spain on the land, and Holland on the sea; and whose imperial voice had arrested the victorious arms of Sweden, and the persecuting fires of Rome. Even to the present day his character, though constantly attacked, and scarcely ever defended, is popular with the great body of our countrymen.

The most questionable act of his life was the execution of Charles. We have already strongly condemned that proceeding; but we by no means consider it as one which attaches any pe-

* These particulars, and many more of the same kind, are recorded by Pepys.

culiar stigma of infamy to the names of those who participated in it. It was an unjust and injudicious display of violent party spirit; but it was not a cruel or perfidious measure. It had all those features which distinguish the errors of magnanimous and intrepid spirits from base and malignant crimes.

We cannot quit this interesting topic without saying a few words on a transaction, which Mr Hallam has made the subject of a severe accusation against Cromwell; and which has been made by others the subject of a severe accusation against Mr Hallam. We conceive that both the Protector and the historian may be vindicated. Mr Hallam tells us that Cromwell sold fifty English gentlemen as slaves in Barbadoes. For making this statement he has been charged with two high literary crimes. The first accusation is, that, from his violent prejudice against Oliver, he has calumniated him falsely. The second, preferred by the same accuser, is, that from his violent fondness for the same Oliver, he has hidden his calumnies against him, at the fag-end of a note, instead of putting them into the text. Both these imputations cannot possibly be true, and it happens that neither is so. His censors will find, when they take the trouble to read his book, that the story is mentioned in the text as well as in the notes; and they will also find, when they take the trouble to read some other books, with which speculators on English history ought to be acquainted, that the story is true. If there could have been any doubt about the matter, Burton's Diary must have set it at rest. But, in truth, there was abundant and superabundant evidence, before the appearance of that valuable publication. Not to mention the authority to which Mr Hallam refers, and which alone is perfectly satisfactory, there is Slingsby Bethel's account of the proceedings of Richard Cromwell's Parliament, published immediately after its dissolution. He was a member: he must therefore have known what happened: and, violent as his prejudices were, he never could have been such an idiot as to state positive falsehoods with respect to public transactions which had taken place only a few days before.

It will not be quite so easy to defend Cromwell against Mr Hallam, as to defend Mr Hallam against those who attack his history. But the story is certainly by no means so bad as he takes it to be. In the first place, this slavery was merely the compulsory labour to which every transported convict is liable. Nobody acquainted with the language of the last century can be ignorant that such convicts were generally termed slaves; until discussions about another species of slavery, far more miserable and altogether unmerited, rendered the word too odious

to be applied even to felons of English origin. These persons enjoyed the protection of the law during the term of their service, which was only five years. The punishment of transportation has been inflicted, by almost every government that England has ever had, for political offences. After Monmouth's insurrection, and after the rebellions in 1715 and 1745, great numbers of the prisoners were sent to America. These considerations ought, we think, to free Cromwell from the imputation of having inflicted on his enemies any punishment which in itself is of a shocking and atrocious character.

To transport fifty men, however, without a trial, is bad enough. But let us consider, in the first place, that some of these men were taken in arms against the government, and that it is not clear that they were not all so taken. In that case Cromwell or his officers might, according to the usage of those unhappy times, have put them to the sword, or turned them over to the provost-marshal at once. This, we allow, is not a complete vindication; for execution by martial law ought never to take place but under circumstances which admit of no delay; and, if there is time to transport men, there is time to try them.

The defenders of the measure stated in the House of Commons, that the persons thus transported not only consented to go, but went with remarkable cheerfulness. By this, we suppose, it is to be understood, not that they had any very violent desire to be bound apprentices in Barbadoes, but that they considered themselves as, on the whole, fortunate and leniently treated, in the situation in which they had placed themselves.

When these considerations are fairly estimated, it must, we think, be allowed, that this selling into slavery was not, as it seems at first sight, a barbarous outrage, unprecedented in our annals, but merely a very arbitrary proceeding, which, like most of the arbitrary proceedings of Cromwell, was rather a violation of positive law than of any great principle of justice and mercy. When Mr Hallam declares it to have been more oppressive than any of the measures of Charles the Second, he forgets, we imagine, that under the reign of that prince, and during the administration of Lord Clarendon, many of the Roundheads were, without any trial, imprisoned at a distance from England, merely in order to remove them beyond the reach of the great liberating writ of our law. But, in fact, it is not fair to compare the cases. The government of Charles was perfectly secure. The '*res dura et regni novitas*,' is the great apology of Cromwell.

From the moment that Cromwell is dead and buried, we go on in almost perfect harmony with Mr Hallam to the end of his

book. The times which followed the Restoration peculiarly require that unsparing impartiality which is his most distinguishing virtue. No part of our history, during the last three centuries, presents a spectacle of such general dreariness. The whole breed of our statesmen seems to have degenerated; and their moral and intellectual littleness strikes us with the more disgust, because we see it placed in immediate contrast with the high and majestic qualities of the race which they succeeded. In the great civil war, even the bad cause had been rendered respectable and amiable by the purity and elevation of mind which many of its friends displayed. Under Charles the Second, the best and noblest of ends was disgraced by means the most cruel and sordid. The rage of faction succeeded to the love of liberty. Loyalty died away into servility. We look in vain among the leading politicians of either side for steadiness of principle, or even for that vulgar fidelity to party, which, in our time, it is esteemed infamous to violate. The inconsistency, perfidy, and baseness, which the leaders constantly practised, which their followers defended, and which the great body of the people regarded, as it seems, with little disapprobation, appear in the present age almost incredible. In the age of Charles the First, they would, we believe, have excited as much astonishment.

Man, however, is always the same. And when so marked a difference appears between two generations, it is certain that the solution may be found in their respective circumstances. The principal statesmen of the reign of Charles the Second were trained during the civil war, and the revolutions which followed it. Such a period is eminently favourable to the growth of quick and active talents. It forms a class of men, shrewd, vigilant, inventive, of men whose dexterity triumphs over the most perplexing combinations of circumstances, whose presaging instinct, no sign of the times, no incipient change of public feelings, can elude. But it is an unpropitious season for the firm and masculine virtues. The statesman who enters on his career at such a time, can form no permanent connexions—can make no accurate observations on the higher parts of political science. Before he can attach himself to a party, it is scattered; before he can study the nature of a government, it is overturned. The oath of abjuration comes close on the oath of allegiance. The association which was subscribed yesterday, is burned by the hangman to-day. In the midst of the constant eddy and change, self-preservation becomes the first object of the adventurer. It is a task too hard for the strongest head, to keep itself from becoming giddy in the eternal whirl. Public spirit is out of the question; a laxity of principle, without which

no public man can be eminent, or even safe, becomes too common to be scandalous; and the whole nation looks coolly on instances of apostacy, which would startle the foulest turncoat of more settled times.

The history of France since the Revolution affords some striking illustrations of these remarks. The same man was minister of the republic, of Bonaparte, of Lewis the Eighteenth, of Bonaparte again after his return from Elba, of Lewis again after his return from Ghent. Yet all these manifold treasons by no means seemed to destroy his influence, or even to fix any peculiar stain of infamy on his character. We, to be sure, did not know what to make of him; but his countrymen did not seem to be shocked—and in truth they had little right to be shocked: For there was scarcely one Frenchman distinguished in the state or in the army, who had not, according to the best of his talents and opportunities, emulated the example. It was natural, too, that this should be the case. The rapidity and violence with which change followed change in the affairs of France towards the close of the last century, had taken away the reproach of inconsistency, unfixed the principles of public men, and produced in many minds a general scepticism and indifference about principles of government.

No Englishman who has studied attentively the reign of Charles the Second, will think himself entitled to indulge in any feelings of national superiority over the *Dictionnaire des Girouettes.* Shaftesbury was surely a far less respectable man than Talleyrand; and it would be injustice even to Fouché to compare him with Lauderdale. Nothing, indeed, can more clearly show how low the standard of political morality had fallen in this country than the fortunes of the men whom we have named. The government wanted a ruffian to carry on the most atrocious system of misgovernment with which any nation was ever cursed—to extirpate Presbyterianism by fire and sword, the drowning of women, and the frightful torture of the boot. And they found him among the chiefs of the rebellion, and the subscribers of the Covenant! The opposition looked for a chief to head them in the most desperate attacks ever made, under the forms of the constitution, on any English administration: and they selected the minister who had the deepest share in the worst parts of that administration—the soul of the cabal—the counsellor who had shut up the Exchequer, and urged on the Dutch war. The whole political drama was of the same cast. No unity of plan, no decent propriety of character and costume, could be found in the wild and monstrous harlequinade. The whole was made up of extravagant transformations and burlesque contrasts;

Atheists turned Puritans; Puritans turned Atheists; republicans defending the divine right of kings; prostitute courtiers clamouring for the liberties of the people; judges inflaming the rage of mobs; patriots pocketing bribes from foreign powers; a Popish prince torturing Presbyterians into Episcopacy in one part of the island; Presbyterians cutting off the heads of Popish noblemen and gentlemen in the other. Public opinion has its natural flux and reflux. After a violent burst, there is commonly a reaction. But vicissitudes so extraordinary as those which marked the reign of Charles the Second, can only be explained by supposing an utter want of principle in the political world. On neither side was there fidelity enough to face a reverse. Those honourable retreats from power, which, in later days, parties have often made, with loss, but still in good order, in firm union, with unbroken spirit, and formidable means of annoyance, were utterly unknown. As soon as a check took place, a total rout followed—arms and colours were thrown away. The vanquished troops, like the Italian mercenaries of the fourteenth and fifteenth centuries, enlisted, on the very field of battle, in the service of the conquerors. In a nation proud of its sturdy justice and plain good sense, no party could be found to take a firm middle stand between the worst of oppositions and the worst of courts. When, on charges as wild as Mother Goose's tales, on the testimony of wretches who proclaimed themselves to be spies and traitors, and whom every body now believes to have been also liars and murderers, the offal of gaols and brothels, the leavings of the hangman's whip and shears, Catholics guilty of nothing but their religion were led like sheep to the Protestant shambles, where were the loyal Tory gentry and the passively obedient clergy? And where, when the time of retribution came, when laws were strained and juries packed, to destroy the leaders of the Whigs, when charters were invaded, when Jefferies and Kirke were making Somersetshire what Lauderdale and Graham had made Scotland, where were the ten thousand brisk boys of Shaftesbury, the members of ignoramus juries, the wearers of the Polish medal? All powerful to destroy others, unable to save themselves, the members of the two parties oppressed and were oppressed, murdered and were murdered, in their turn. No lucid interval occurred between the frantic paroxysms of two contradictory illusions.

To the frequent changes of the government during the twenty years which had preceded the Revolution, this unsteadiness is in a great measure to be attributed. Other causes had also been at work. Even if the country had been governed by the house of Cromwell, or the remains of the Long Parliament, the

extreme austerity of the Puritans would necessarily have produced a revulsion. Towards the close of the Protectorate, many signs indicated that a time of license was at hand. But the restoration of Charles the Second rendered the change wonderfully rapid and violent. Profligacy became a test of orthodoxy and loyalty, a qualification for rank and office. A deep and general taint infected the morals of the most influential classes, and spread itself through every province of letters. Poetry inflamed the passions; philosophy undermined the principles; divinity itself, inculcating an abject reverence for the court, gave additional effect to its licentious example. We look in vain for those qualities which give a charm to the errors of high and ardent natures, for the generosity, the tenderness, the chivalrous delicacy, which ennoble appetites into passions, and impart to vice itself a portion of the majesty of virtue. The excesses of the age remind us of the humours of a gang of footpads, revelling with their favourite beauties at a flash-house. In the fashionable libertinism there is a hard, cold ferocity, an impudence, a lowness, a dirtiness, which can be paralleled only among the heroes and heroines of that filthy and heartless literature which encouraged it. One nobleman of great abilities wanders about as a Merry-Andrew. Another harangues the mob stark-naked from a window. A third lays an ambush to cudgel a man who has offended him. A knot of gentlemen of high rank and influence combine to push their fortunes at court by circulating stories intended to ruin an innocent girl, stories which had no foundation, and which, if they had been true, would never have passed the lips of a man of honour.* A dead child is found in the palace, the offspring of some maid of honour by some courtier, or perhaps by Charles himself. The whole flight of pandars and buffoons pounce upon it, and carry it in triumph to the royal laboratory, where his Majesty, after a brutal jest, dissects it for the amusement of the assembly, and probably of its father among the rest! The favourite Duchess stamps about Whitehall, cursing and swearing. The ministers employ their time at the council-board in making mouths at each other, and taking off each other's gestures for the amusement of the King. The Peers at a conference begin to pommel each other, and to tear collars and periwigs. A speaker in the House of Commons

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* The manner in which Hamilton relates the circumstances of the atrocious plot against poor Anne Hyde, is, if possible, more disgraceful to the court, of which he may be considered as a specimen, than the plot itself.

gives offence to the court. He is waylaid by a gang of bullies, and his nose is cut to the bone. This ignominious dissoluteness, or rather, if we may venture to designate it by the only proper word, blackguardism of feeling and manners, could not but spread from private to public life. The cynical sneers, the epicurean sophistry, which had driven honour and virtue from one part of the character, extended their influence over every other. The second generation of the statesmen of this reign, were worthy pupils of the schools in which they had been trained, of the gaming-table of Grammont, and the tiring-room of Nell. In no other age could such a trifler as Buckingham have exercised any political influence. In no other age could the path to power and glory have been thrown open to the manifold infamies of Churchill.

The history of that celebrated man shows, more clearly perhaps than that of any other individual, the malignity and extent of the corruption which had eaten into the heart of the public morality. An English gentleman of family attaches himself to a Prince who has seduced his sister, and accepts rank and wealth as the price of her shame and his own. He then repays by ingratitude the benefits which he has purchased by ignominy, betrays his patron in a manner which the best cause cannot excuse, and commits an act, not only of private treachery, but of distinct military desertion. To his conduct at the crisis of the fate of James, no service in modern times has, as far as we remember, furnished any parallel. The conduct of Ney, scandalous enough no doubt, is the very fastidiousness of honour in comparison of it. The perfidy of Arnold approaches it most nearly. In our age and country no talents, no services, no party attachments, could bear any man up under such mountains of infamy. Yet, even before Churchill had performed those great actions, which in some degree redeem his character with posterity, the load lay very lightly on him. He had others in abundance to keep him in countenance. Godolphin, Orford, Danby, the trimmer Halifax, the renegade Sunderland, were all men of the same class.

Where such was the political morality of the noble and the wealthy, it may easily be conceived that those professions which, even in the best times, are peculiarly liable to corruption, were in a frightful state. Such a bench and such a bar England has never seen. Jones, Scroggs, Jefferies, North, Wright, Sawyer, Williams, Shower, are to this day the spots and blemishes of our legal chronicles. Differing in constitution and in situation,—whether blustering or cringing,—whether persecuting Protestants or Catholics,—they were equally un-

principled and inhuman. The part which the Church played was not equally atrocious; but it must have been exquisitely diverting to a scoffer. Never were principles so loudly professed, and so flagrantly abandoned. The royal prerogative had been magnified to the skies in theological works; the doctrine of passive obedience had been preached from innumerable pulpits. The University of Oxford had sentenced the works of the most moderate constitutionalists to the flames. The accession of a Catholic King, the frightful cruelties committed in the west of England, never shook the steady loyalty of the clergy. But did they serve the King for nought? He laid his hand on them, and they cursed him to his face. He touched the revenue of a college, and the liberty of some prelates; and the whole profession set up a yell worthy of Hugh Peters himself. Oxford sent its plate to an invader with more alacrity than she had shown when Charles the First requested it. Nothing was said about the wickedness of resistance till resistance had done its work, till the anointed vicegerent of heaven had been driven away, and it had become plain that he would never be restored, or would be restored at least under strict limitations. The clergy went back, it must be owned, to their old theory, as soon as they found that it would do them no harm.

To the general baseness and profligacy of the times, Clarendon is principally indebted for his high reputation. He was, in every respect, a man unfit for his age,—at once too good for it and too bad for it. He seemed to be one of the statesmen of Elizabeth, transplanted at once to a state of society widely different from that in which the abilities of such statesmen had been serviceable. In the sixteenth century, the Royal prerogative had scarcely been called in question. A minister who held it high was in no danger, so long as he used it well. That attachment to the Crown, that extreme jealousy of popular encroachments, that love, half religious, half political, for the Church, which, from the beginning of the Long Parliament, showed itself in Clarendon, and which his sufferings, his long residence in France, and his high station in the government, served to strengthen, would, a hundred years earlier, have secured to him the favour of his sovereign without rendering him odious to the people. His probity, his correctness in private life, his decency of deportment, and his general ability, would not have misbecome a colleague of Walsingham and Burleigh. But in the times on which he was cast, his errors and his virtues were alike out of place. He imprisoned men without trial. He was accused of raising unlawful contributions on the people for the support of the army. The abolition of the Triennial

Act was one of his favourite objects. He seems to have meditated the revival of the Star Chamber and the High Commission Court. His zeal for the prerogative made him unpopular; but it could not secure to him the favour of a master far more desirous of ease and pleasure than of power. Charles would rather have lived in exile and privacy, with abundance of money, a crowd of mimics to amuse him, and a score of mistresses, than have purchased the absolute dominion of the world by the privations and exertions to which Clarendon was constantly urging him. A councillor who was always bringing him papers and giving him advice, and who stoutly refused to compliment Lady Castlemaine, and to carry messages to Miss Stewart, soon became more hateful to him than ever Cromwell had been. Thus, considered by the people as an oppressor, by the court as a censor, the minister fell from his high office, with a ruin more violent and destructive than could ever have been his fate, if he had either respected the principles of the constitution, or flattered the vices of the King.

Mr Hallam has formed, we think, a most correct estimate of the character and administration of Clarendon. But he scarcely makes sufficient allowance for the wear and tear which honesty almost necessarily sustains in the friction of political life, and which, in times so rough as those through which Clarendon passed, must be very considerable. When these are fairly estimated, we think that his integrity may be allowed to pass muster. A high-minded man he certainly was not, either in public or in private affairs. His own account of his conduct in the affair of his daughter, is the most extraordinary passage in autobiography. We except nothing even in the Confessions of Rousseau. Several writers have taken a perverted and absurd pride in representing themselves as detestable; but no other ever laboured hard to make himself despicable and ridiculous. In one important particular, Clarendon showed as little regard to the honour of his country as he had shown to that of his family. He accepted a subsidy from France for the relief of Portugal: But this method of obtaining money was afterwards practised to a much greater extent, and for objects much less respectable, both by the Court and by the Opposition.

These pecuniary transactions are commonly considered as the most disgraceful part of the history of those times; and they were no doubt highly reprehensible. Yet, in justice to the Whigs, and to Charles himself, we must admit that they were not so shameful or atrocious as at the present day they appear. The effect of violent animosities between parties has always been, an indifference to the general welfare and honour of the

state. A politician, where factions run high, is interested not for the whole people, but for his own section of it. The rest are, in his view, strangers, enemies, or rather pirates. The strongest aversion which he can feel to any foreign power is the ardour of friendship, compared with the loathing which he entertains towards those domestic foes with whom he is cooped up in a narrow space, with whom he lives in a constant interchange of petty injuries and insults, and from whom, in the day of their success, he has to expect severities far beyond any that a conqueror from a distant country would inflict. Thus, in Greece, it was a point of honour for a man to leave his country and cleave to his party. No aristocratical citizen of Samos or Corcyra would have hesitated to call in the aid of Lacedemon. The multitude, on the contrary, looked to Athens. In the Italian states of the thirteenth and fourteenth centuries, from the same cause, no man was so much a Florentine or a Pisan, as a Ghibeline or a Guelf. It may be doubted whether there was a single individual who would have scrupled to raise his party from a state of depression, by opening the gates of his native city to a French or an Arragonese force. The Reformation, dividing almost every European country into two parts, produced similar effects. The Catholic was too strong for the Englishman; the Huguenot for the Frenchman. The Protestant statesmen of Scotland and France accordingly called in the aid of Elizabeth; and the Papists of the League brought a Spanish army into the very heart of France. The commotions to which the French Revolution gave rise have been followed by the same consequences. The Republicans in every part of Europe were eager to see the armies of the National Convention and the Directory appear among them; and exulted in defeats which distressed and humbled those whom they considered as their worst enemies, their own rulers. The princes and nobles of France, on the other hand, did their utmost to bring foreign invaders to Paris. A very short time has elapsed since the Apostolical party in Spain invoked, too successfully, the support of strangers.

The great contest which raged in England during the seventeenth century and the earlier part of the eighteenth extinguished, not indeed in the body of the people, but in those classes which were most actively engaged in politics, almost all national feelings. Charles the Second, and many of his courtiers, had passed a large part of their lives in banishment, serving in foreign armies, living on the bounty of foreign treasuries, soliciting foreign aid to re-establish Monarchy in their native country. The oppressed cavaliers in England constantly looked to France and Spain for deliverance and revenge. Clarendon censures the

Continental Governments with great bitterness for not interfering in our internal dissensions. During the Protectorate, not only the Royalists, but the disaffected of all parties, appear to have been desirous of assistance from abroad. It is not strange, therefore, that amidst the furious contests which followed the Restoration, the violence of party feeling should produce effects which would probably have attended it even in an age less distinguished by laxity of principle and indelicacy of sentiment. It was not till a natural death had terminated the paralytic old age of the Jacobite party that the evil was completely at an end. The Whigs looked to Holland—the High Tories to France. The former concluded the Barrier Treaty—some of the latter entreated the Court of Versailles to send an expedition to England. Many men who, however erroneous their political notions might be, were unquestionably honourable in private life, accepted money without scruple from the foreign powers favourable to the Pretender.

Never was there less of national feeling among the higher orders than during the reign of Charles the Second. That Prince, on the one side, thought it better to be the deputy of an absolute King than the King of a free people. Algernon Sydney, on the other hand, would gladly have aided France in all her ambitious schemes, and have seen England reduced to the condition of a province, in the wild hope that a foreign despot would assist him to establish his darling republic. The King took the money of France to assist him in the enterprise which he meditated against the liberty of his subjects, with as little scruple as Frederick of Prussia or Alexander of Russia accepted our subsidies in time of war. The leaders of the Opposition no more thought themselves disgraced by the presents of Lewis, than a gentleman of our own time thinks himself disgraced by the liberality of a powerful and wealthy member of his party who pays his election bill. The money which the King received from France had been largely employed to corrupt members of Parliament. The enemies of the court might think it fair, or even absolutely necessary, to encounter bribery with bribery. Thus they took the French gratuities, the needy among them for their own use, the rich probably for the general purposes of the party, without any scruple. If we compare their conduct, not with that of English statesmen in our own time, but with that of persons in those foreign countries which are now situated as England then was, we shall probably see reason to abate something of the severity of censure with which it has been the fashion to visit those proceedings. Yet, when every allowance is made, the transaction is sufficiently offensive. It is satisfactory to find that Lord Russel stands free

from any imputation of personal participation in the spoil. An age so miserably poor in all the moral qualities which render public characters respectable, can ill spare the credit which it derives from a man, not indeed conspicuous for talents or knowledge, but honest even in his errors, respectable in every relation of life, rationally pious, steadily and placidly brave.

The great improvement which took place in our breed of public men is principally to be ascribed to the Revolution. Yet that memorable event, in a great measure, took its character from the very vices which it was the means of reforming. It was, assuredly, a happy revolution, and a useful revolution; but it was not, what it has often been called, a glorious revolution. William, and William alone, derived glory from it. The transaction was, in almost every part, discreditable to England. That a tyrant, who had violated the fundamental laws of the country, who had attacked the rights of its greatest corporations, who had begun to persecute the established religion of the state, who had never respected the law either in his superstition or in his revenge, could not be pulled down without the aid of a foreign army, is a circumstance not very grateful to our national pride. Yet this is the least degrading part of the story. The shameless insincerity, the warm assurances of general support which James received, down to the moment of general desertion, indicate a meanness of spirit, and a looseness of morality, most disgraceful to the age. That the enterprise succeeded, at least that it succeeded without bloodshed or commotion, was principally owing to an act of ungrateful perfidy, such as no soldier had ever before committed, and to those monstrous fictions respecting the birth of the Prince of Wales, which persons of the highest rank were not ashamed to circulate. In all the proceedings of the Convention, in the conference particularly, we see that littleness of mind which is the chief characteristic of the times. The resolutions on which the two Houses at last agreed, were as bad as any resolutions for so excellent a purpose could be. Their feeble and contradictory language was evidently intended to save the credit of the Tories, who were ashamed to name what they were not ashamed to do. Through the whole transaction, no commanding talents were displayed by any Englishman; no extraordinary risks were run; no sacrifices were made, except the sacrifice which Churchill made of honour, and Anne of natural affection.

It was in some sense fortunate, as we have already said, for the Church of England, that the Reformation in this country was effected by men who cared little about religion. And, in the same manner, it was fortunate for our civil government that

the Revolution was in a great measure effected by men who cared little about their political principles. At such a crisis, splendid talents and strong passions might have done more harm than good. There was far greater reason to fear that too much would be attempted, and that violent movements would produce an equally violent re-action, than that too little would be done in the way of change. But narrowness of intellect, and flexibility of principle, though they may be serviceable, can never be respectable.

If in the Revolution itself there was little that can properly be called glorious, there was still less in the events which followed. In a church which had as one man declared the doctrine of resistance unchristian, only four hundred persons refused to take the oath of allegiance to a government founded on resistance! In the preceding generation, both the Episcopal and the Presbyterian clergy, rather than concede points of conscience not more important, had resigned their livings by thousands.

The churchmen, at the time of the Revolution, justified their conduct by all those profligate sophisms which are called jesuitical, and which are commonly reckoned among the peculiar sins of Popery; but which in fact are everywhere the anodynes employed by minds rather subtle than strong, to quiet those internal twinges which they cannot but feel, and which they will not obey. As their oath was in the teeth of their principles, so was their conduct in the teeth of their oath. Their constant machinations against the government to which they had sworn fidelity, brought a reproach on their order, and on Christianity itself. A distinguished churchman has not scrupled to say, that the rapid increase of infidelity at that time was principally produced by the disgust which the faithless conduct of his brethren excited in men not sufficiently candid or judicious to discern the beauties of the system amidst the vices of its ministers.

But the reproach was not confined to the church. In every political party, in the cabinet itself, duplicity and perfidy abounded. The very men whom William loaded with benefits, and in whom he reposed most confidence, with his seals of office in their hands, kept up a correspondence with the exiled family. Orford, Carmarthen, and Shrewsbury, were guilty of this odious treachery. Even Devonshire is not altogether free from suspicion. It may well be conceived that, at such a time, such a nature as that of Marlborough would riot in the very luxury of baseness. His former treason, thoroughly furnished with all that makes infamy exquisite, placed him indeed under the disadvantage which attends every artist from the time that he produces a masterpiece. Yet his second great stroke may excite wonder,

even in those who appreciate all the merit of the first. Lest his admirers should be able to say that at the time of the Revolution he had betrayed his King from any other than selfish motives, he proceeded to betray his country. He sent intelligence to the French court of a secret expedition intended to attack Brest. The consequence was, that the expedition failed, and that eight hundred British soldiers lost their lives from the abandoned villainy of a British general. Yet this man has been canonised by so many eminent writers, that to speak of him as he deserves may seem scarcely decent. To us he seems to be the very San Ciappelletto of the political calendar.

The reign of William the Third, as Mr Hallam happily says, was the Nadir of the national prosperity. It was also the Nadir of the national character. During that period was gathered in the rank harvest of vices sown during thirty years of licentiousness and confusion; but it was also the seed-time of great virtues.

The press was emancipated from the censorship soon after the Revolution; and the government fell immediately under the censorship of the press. Statesmen had a scrutiny to endure, which was every day becoming more and more severe. The extreme violence of opinions abated. The Whigs learned moderation in office; the Tories learned the principles of liberty in opposition. The parties almost constantly approximated, often met, sometimes crossed each other. There were occasional bursts of violence; but, from the time of the Revolution, those bursts were constantly becoming less and less terrible. The severities with which the Tories, at the close of the reign of Anne, treated some of those who had directed public affairs during the war of the Grand Alliance, and the retaliatory measures of the Whigs, after the accession of the House of Hanover, cannot be justified; but they were by no means in the style of the infuriated parties, whose alternate murders had disgraced our history towards the close of the reign of Charles the Second. At the fall of Walpole, far greater moderation was displayed. And from that time it has been the practice—a practice not strictly according to the theory of our constitution, but still most salutary—to consider the loss of office, and the public disapprobation, as punishments sufficient for errors in the administration not imputable to personal corruption. Nothing, we believe, has contributed more than this lenity to raise the character of public men. Ambition is of itself a game sufficiently hazardous and sufficiently deep to inflame the passions, without adding property, life, and liberty to the stake. Where the play runs so desperately high as in the seventeenth century, honour is at an

end. Statesmen, instead of being, as they should be, at once mild and steady, are at once ferocious and inconsistent. The axe is for ever before their eyes. A popular outcry sometimes unnerves them, and sometimes makes them desperate; it drives them to unworthy compliances, or to measures of vengeance as cruel as those which they have reason to expect. A minister in our times need not fear either to be firm or to be merciful. Our old policy in this respect was as absurd as that of the king in the Eastern Tales, who proclaimed that any physician who pleased might come to court and prescribe for his diseases, but that if the remedies failed the adventurer should lose his head. It is easy to conceive how many able men would refuse to undertake the cure on such conditions; how much the sense of extreme danger would confuse the perceptions, and cloud the intellect, of the practitioner, at the very crisis which most called for self-possession; and how strong his temptation would be, if he found that he had committed a blunder, to escape the consequences of it by poisoning his patient.

But in fact it would have been impossible, since the Revolution, to punish any minister for the general course of his policy, with the slightest semblance of justice; for since that time, no minister has been able to pursue any general course of policy without the approbation of the Parliament. The most important effects of that great change were, as Mr Hallam has most truly said, and most ably shown, those which it indirectly produced. Thenceforward it became the interest of the executive government to protect those very doctrines which an executive government is in general inclined to persecute. The sovereign, the ministers, the courtiers, at last even the universities and the clergy, were changed into advocates of the right of resistance. In the theory of the Whigs, in the situation of the Tories, in the common interest of all public men, the Parliamentary constitution of the country found perfect security. The power of the House of Commons, in particular, has been steadily on the increase. By the practice of granting supplies for short terms, and appropriating them to particular services, it has rendered its approbation as necessary in practice to all the measures of the executive government, as it is in theory to a legislative act.

Mr Hallam appears to have begun with the reign of Henry the Seventh, as the period at which what is called modern history, in contradistinction to the history of the middle ages, is generally supposed to commence. He has stopped at the accession of George the Third, 'from unwillingness,' as he says, 'to excite the prejudices of modern politics, especially those connected with personal character.' These two eras, we think,

deserved the distinction on other grounds. Our remote posterity, when looking back on our history in that comprehensive manner in which remote posterity alone can, without much danger of error, look back on it, will probably observe those points with peculiar interest. They are, if we mistake not, the beginning and the end of an entire and separate chapter in our annals. The period which lies between them is a perfect cycle, a great year of the public mind.

In the reign of Henry the Seventh, all the political differences which had agitated England since the Norman conquest, seemed to be set at rest. The long and fierce struggle between the Crown and the Barons had terminated. The grievances which had produced the rebellions of Tyler and Cade had disappeared. Villanage was scarcely known. The two royal houses, whose conflicting claims had long convulsed the kingdom, were at length united. The claimants whose pretensions, just or unjust, had disturbed the new settlement, were overthrown. In religion there was no open dissent, and probably very little secret heresy. The old subjects of contention, in short, had vanished; those which were to succeed had not yet appeared.

Soon, however, new principles were announced; principles which were destined to keep England during two centuries and a half in a state of commotion. The Reformation divided the people into two great parties. The Protestants were victorious. They again subdivided themselves. Political systems were engrafted on theological doctrines. The mutual animosities of the two parties gradually emerged into the light of public life. First came conflicts in Parliament; then civil war; then revolutions upon revolutions, each attended by its appurtenance of proscriptions, and persecutions, and tests; each followed by severe measures on the part of the conquerors; each exciting a deadly and festering hatred in the conquered. During the reign of George the Second, things were evidently tending to repose. At the close of it, the nation had completed the great revolution which commenced in the early part of the sixteenth century, and was again at rest. The fury of sects had died away. The Catholics themselves practically enjoyed toleration; and more than toleration they did not yet venture even to desire. Jacobitism was a mere name. Nobody was left to fight for that wretched cause; and very few to drink for it. The constitution, purchased so dearly, was on every side extolled and worshipped. Even those distinctions of party which must almost always be found in a free state, could scarcely be traced. The two great bodies which, from the time of the Revolution, had been gradually tending to approximation, were now united in emulous support of that

splendid administration which smote to the dust both the branches of the House of Bourbon. The great battle for our ecclesiastical and civil polity had been fought and won. The wounds had been healed. The victors and the vanquished were rejoicing together. Every person acquainted with the political writers of the last generation, will recollect the terms in which they generally speak of that time. It was a glimpse of a golden age of union and glory—a short interval of rest, which had been preceded by centuries of agitation, and which centuries of agitation were destined to follow.

How soon faction again began to ferment, is well known. In the Letters of Junius, in Burke's Thoughts on the Cause of the Discontents, and in many other writings of less merit, the violent dissensions which speedily convulsed the country, are imputed to the system of favouritism which George the Third introduced, to the influence of Bute, or the profligacy of those who called themselves the King's friends. With all deference to the eminent writers to whom we have referred, we may venture to say, that they lived too near the events of which they treated, to judge of them correctly. The schism which was then appearing in the nation, and which has been from that time almost constantly widening, had little in common with those which had divided it during the reigns of the Tudors and the Stuarts. The symptoms of popular feeling, indeed, will always in a great measure be the same; but the principle which excited that feeling was here new. The support which was given to Wilkes, the clamour for reform during the American war, the disaffected conduct of large classes of people at the time of the French Revolution, no more resembled the opposition which had been offered to the government of Charles the Second, than that opposition resembled the contest between the Roses.

In the political as in the natural body, a sensation is often referred to a part widely different from that in which it really resides. A man, whose leg is cut off, fancies that he feels a pain in his toe. And in the same manner the people, in the earlier part of the late reign, sincerely attributed their discontent to grievances which had been effectually lopped off. They imagined that the prerogative was too strong for the constitution, that the principles of the Revolution were abandoned, and the system of the Stuarts restored. Every impartial man must now acknowledge that these changes were groundless. The proceedings of the Government with respect to the Middlesex election, would have been contemplated with delight by the first generation of Whigs. They would have thought it a splendid triumph of the cause of liberty, that the King and the Lords should resign to

the House of Commons a portion of their legislative power, and allow it to incapacitate without their consent. This, indeed, Mr Burke clearly perceived. 'When the House of Commons,' says he, 'in an endeavour to obtain new advantages at the expense 'of the other orders of the state, for the benefit of the commons 'at large, have pursued strong measures, if it were not just, it 'was at least natural, that the constituents should connive at all 'their proceedings; because we ourselves were ultimately to pro-'fit. But when this submission is urged to us in *a contest be-'tween the representatives and ourselves*, and where nothing can 'be put into their scale which is not taken from ours, they 'fancy us to be children when they tell us that they are our repre-'sentatives, our own flesh and blood, and that all the stripes they 'give us are for our good.' These sentences contain, in fact, the whole explanation of the mystery. The conflict of the seventeenth century was maintained by the Parliament against the Crown. The conflict which commenced in the middle of the eighteenth century, which still remains undecided, and in which our children and grandchildren will probably be called to act or to suffer, is between a large portion of the People on the one side, and the Crown and the Parliament united on the other.

The privileges of the House of Commons, those privileges which, in 1642, all London rose in arms to defend, which the people considered as synonymous with their own liberties, and in comparison of which they took no account of the most precious and sacred principles of English jurisprudence, have now become nearly as odious as the rigours of martial law. That power of committing, which the people anciently loved to see the House of Commons exercise, is now, at least when employed against libellers, the most unpopular power in the constitution. If the Commons were to suffer the Lords to amend money-bills, we do not believe that the people would care one straw about the matter. If they were to suffer the Lords even to originate money-bills, we doubt whether such a surrender of their constitutional rights would excite half so much dissatisfaction as the exclusion of strangers from a single important discussion. The gallery in which the reporters sit, has become a fourth estate of the realm. The publication of the debates, a practice which seemed to the most liberal statesmen of the old school full of danger to the great safeguards of public liberty, is now regarded by many persons as a safeguard, tantamount, and more than tantamount, to all the rest together.

Burke, in a speech on parliamentary reform, which is the more remarkable, because it was delivered long before the French Revolution, has described, in striking language, the change in

public feeling of which we speak. 'It suggests melancholy re-'flections,' says he, 'in consequence of the strange course we 'have long held, that we are now no longer quarrelling about 'the character, or about the conduct of men, or the tenor of 'measures; but we are grown out of humour with the English 'constitution itself; this is become the object of the animosity of 'Englishmen. This constitution in former days used to be the 'envy of the world; it was the pattern for politicians; the 'theme of the eloquent; the meditation of the philosopher in 'every part of the world. As to Englishmen, it was their pride '—their consolation. By it they lived, and for it they were 'ready to die. Its defects, if it had any, were partly covered 'by partiality, and partly borne by prudence. Now all its excel-'lencies are forgot, its faults are forcibly dragged into day, ex-'aggerated by every artifice of misrepresentation. It is despised 'and rejected of men; and every device and invention of inge-'nuity or idleness, is set up in opposition, or in preference to it.' We neither adopt nor condemn the language of reprobation which the great orator here employs. We call him only as witness to the fact. That the revolution of public feeling which he described was then in progress, is indisputable; and it is equally indisputable, we think, that it is in progress still.

To investigate and classify the causes of so great a change, would require far more thought, and far more space, than we at present have to bestow. But some of them are obvious. During the contest which the Parliament carried on against the Stuarts, it had only to check and complain. It has since had to govern. As an attacking body, it could select its points of attack, and it naturally chose those on which it was likely to receive public support. As a ruling body, it has neither the same liberty of choice, nor the same interest to gratify the people. With the power of an executive government, it has drawn to itself some of the vices, and all the unpopularity of an executive government. On the House of Commons above all, possessed as it is of the public purse, and consequently of the public sword, the nation throws all the blame of an ill-conducted war, of a blundering negotiation, of a disgraceful treaty, of an embarrassing commercial crisis. The delays of the Court of Chancery, the misconduct of a judge at Van Diemen's land, any thing, in short, which in any part of the administration any person feels as a grievance, is attributed to the tyranny, or at least to the negligence, of that all-powerful body. Private individuals pester it with their wrongs and claims. A merchant appeals to it from the courts of Rio Janeiro or St Petersburgh. A painter, who can find nobody to buy the acre of spoiled canvass, which he calls

a historical picture, pours into its sympathizing ear the whole story of his debts and his jealousies. Anciently the parliament resembled a member of opposition, from whom no places are expected, who is not required to confer favours and propose measures, but merely to watch and censure; and who may, therefore, unless he is grossly injudicious, be popular with the great body of the community. The Parliament *now* resembles the same person put into office, surrounded by petitioners, whom twenty times his patronage would not satisfy, stunned with complaints, buried in memorials, compelled by the duties of his station to bring forward measures similar to those which he was formerly accustomed to observe and to check, and perpetually encountered by objections similar to those which it was formerly his business to raise.

Perhaps it may be laid down as a general rule, that a legislative assembly, not constituted on democratic principles, cannot be popular long after it ceases to be weak. Its zeal for what the people, rightly or wrongly, conceive to be their interest, its sympathy with their mutable and violent passions, are merely the effects of the particular circumstances in which it is placed. As long as it depends for existence on the public favour, it will employ all the means in its power to conciliate that favour. While this is the case, defects in its constitution are of little consequence. But as the close union of such a body with the nation is the effect of an identity of interest, not essential but accidental, it is in some measure dissolved from the time at which the danger which produced it ceases to exist.

Hence, before the Revolution, the question of Parliamentary reform was of very little importance. The friends of liberty had no very ardent wish for it. The strongest Tories saw no objections to it. It is remarkable that Clarendon loudly applauds the changes which Cromwell introduced, changes far stronger than the Whigs of the present day would in general approve. There is no reason to think, however, that the reform effected by Cromwell made any great difference in the conduct of the Parliament. Indeed, if the House of Commons had, during the reign of Charles the Second, been elected by universal suffrage, or if all the seats had been put up to sale, as in the French Parliaments, it would, we suspect, have acted very much as it did. We know how strongly the Parliament of Paris exerted itself in favour of the people on many important occasions; and the reason is evident. Though it did not emanate from the people, its whole consequence depended on the support of the people. From the time of the Revolution the House of Commons was gradually becoming what it now is,—a great council

of state, containing many members chosen freely by the people, and many others anxious to acquire the favour of the people, but, on the whole, aristocratical in its temper and interest. It is very far from being an illiberal and stupid oligarchy; but it is equally far from being an express image of the general feeling. It is influenced by the opinion of the people, and influenced powerfully, but slowly and circuitously. Instead of outrunning the public mind, as before the Revolution it frequently did, it now follows with slow steps, and at a wide distance. It is therefore necessarily unpopular; and the more so, because the good which it produces is much less evident to common perception than the evil which it inflicts. It bears the blame of all the mischief which is done, or supposed to be done, by its authority or by its connivance. It does not get the credit, on the other hand, of having prevented those innumerable abuses, which do not exist solely because the House of Commons exists.

A large part of the nation is certainly desirous of a reform in the representative system. How large that part may be, and how strong its desires on the subject may be, it is difficult to say. It is only at intervals that the clamour on the subject is loud and vehement. But it seems to us that, during the remissions, the feeling gathers strength, and that every successive burst is more violent than that which preceded it. The public attention may be for a time diverted to the Catholic claims or the Mercantile code; but it is probable that at no very distant period, perhaps in the lifetime of the present generation, all other questions will merge in that which is, in a certain degree, connected with them all.

Already we seem to ourselves to perceive the signs of unquiet times, the vague presentiment of something great and strange which pervades the community; the restless and turbid hopes of those who have every thing to gain, the dimly-hinted forebodings of those who have every thing to lose. Many indications might be mentioned, in themselves indeed as insignificant as straws; but even the direction of a straw, to borrow the illustration of Bacon, will show from what quarter the hurricane is setting in.

A great statesman might, by judicious and timely reformations, by reconciling the two great branches of the natural aristocracy, the capitalists and the landowners, by so widening the base of the government as to interest in its defence the whole of the middling class, that brave, honest, and sound-hearted class, which is as anxious for the maintenance of order, and the security of property, as it is hostile to corruption and oppression, succeed in averting a struggle to which no rational friend of liberty or of law can look forward without great apprehensions.

There are those who will be contented with nothing but demolition; and there are those who shrink from all repair. There are innovators who long for a President and a National Convention; and there are bigots, who, while cities larger and richer than the capitals of many great kingdoms are calling out for representatives to watch over their interests, select some hackneyed jobber in boroughs, some peer of the narrowest and smallest mind, as the fittest depositary of a forfeited franchise. Between these extremes there lies a more excellent way. Time is bringing round another crisis analogous to that which occurred in the seventeenth century. We stand in a situation similar to that in which our ancestors stood under the reign of James the First. It will soon again be necessary to reform that we may preserve; to save the fundamental principles of the constitution by alterations in the subordinate parts. It will then be possible, as it was possible two hundred years ago, to protect vested rights, to secure every useful institution—every institution endeared by antiquity and noble associations; and, at the same time, to introduce into the system improvements harmonizing with the original plan. It remains to be seen whether two hundred years have made us wiser.

We know of no great revolution which might not have been prevented by compromise early and graciously made. Firmness is a great virtue in public affairs; but it has its proper sphere. Conspiracies and insurrections in which small minorities are engaged, the outbreakings of popular violence unconnected with any extensive project or any durable principle, are best repressed by vigour and decision. To shrink from them is to make them formidable. But no wise ruler will confound the pervading taint with the slight local irritation. No wise ruler will treat the deeply seated discontents of a great party, as he treats the conduct of a mob which destroys mills and powerlooms. The neglect of this distinction has been fatal even to governments strong in the power of the sword. The present time is indeed a time of peace and order. But it is at such a time that fools are most thoughtless and wise men most thoughtful. That the discontents which have agitated the country during the late and the present reign, and which, though not always noisy, are never wholly dormant, will again break forth with aggravated symptoms, is almost as certain as that the tides and seasons will follow their appointed course. But in all movements of the human mind which tend to great revolutions, there is a crisis at which moderate concession may amend, conciliate, and preserve. Happy will it be for England if, at that crisis, her interests be confided to men for whom history has not recorded the long series of human crimes and follies in vain.

Art. VII.—*An Introductory Lecture on Political Economy.* By N. W. Senior, &c. Mawman, 1827.

Three Lectures on the Transmission of the Precious Metals from Country to Country, and the Mercantile Theory of Wealth, delivered before the University of Oxford, in June 1827. By N. W. Senior. Murray, 1828.

These Lectures are published, as the author informs us, in compliance with the regulations relating to the Professorship of Political Economy, lately founded at Oxford. *One* lecture at least must, by the direction of the founder, be published every year. There is, at first sight, an obvious objection to such a rule, as likely to lead to the premature publication, in the form of detached and ill-digested fragments, of matter, which might with advantage have been reserved for a more mature and systematic work; but on the whole, we are not sure but that some such compulsory regulation was judicious in the peculiar circumstances of the institution. It is possible, that otherwise some professors might have been seduced by a combination, but too frequently exemplified in the members of great and celebrated universities, of fastidious taste, indolence, and excessive dread of censure, into such procrastination as might have ended in the entire suppression of valuable knowledge. And in a study which is yet in its infancy, it may even be advantageous to prepare the public mind by the publication of detached portions of a system, as precursors to a more complete work. It is chiefly, indeed, from such a conviction, that we have been induced to make an article on the works now before us. Our economical speculations have been perhaps too often more abstruse and recondite than was perfectly suitable for readers to whom the discussions were new—and in our ambition to provide strong meat for the men who resort to our ordinary, we may have sometimes forgotten that we should also have lighter messes for more tender appetites.

Independently, however, of these considerations, we are disposed to regard the institution of the professorship in question, as likely to lead to important and beneficial results. There are so many crude and mischievous theories afloat, which are dignified with the name of Political Economy, that the science is in no small danger of falling into disrepute with a large portion of the world. But this is not the only, or perhaps the greatest, evil to be apprehended. Not only may just views of Political Economy be neglected, but false ones may obtain currency; and if the culti-

vation of this branch of knowledge be left by the advocates of religion, and of social order, in the hands of those who are hostile to both, the result may easily be foreseen. A professorship founded in the University of Oxford, affords, we think, the best security against these dangers. A study which has so far received the sanction of that learned and orthodox body, stands some chance of being rescued from uninquiring contempt; and no set of men, we presume, could more safely be intrusted to appoint such professors as shall at least be untainted with extravagant anarchical principles.

There are, however, we are aware, and probably will be for some time to come, not a few who regard 'the dreams of Political Economy,' as they call them, with a mixture of contempt and dread—as a set of arbitrary and fanciful theories, subversive of religion and morality, public prosperity and private happiness. It has always happened that, when public attention has been first directed to any new branch of knowledge, the result has been something like the exuberant fecundity which Lucretius attributes to the earth at its first formation; a confused assemblage of mis-shapen monsters, interspersed with a few more perfectly formed beings, whose superior organization enables them to survive the spontaneous destruction of the rest. And when this mixture of truth and falsehood, of sound and unsound theories, is presented to the world, it has ever been found that the timorous, the lazy, and the undistinguishing, (no inconsiderable portion of mankind,) have denied the whole indiscriminately, as a tissue of mischievous absurdities.

Prejudices of this kind will, no doubt, wear out of themselves; but the mode in which they frequently operate may lead to a more permanent evil in another quarter. Those who avow their dread of the pursuit of knowledge of any kind, as likely to be injurious to the cause of religion, forget that the acknowledgment of such a feeling, or even a bare suspicion of its existence, does more harm to that cause than all the assaults of its adversaries. However sincere their own belief may in fact be, the impression will inevitably be excited that it is not so; that they secretly distrust the goodness of their cause; and are desirous, for some sinister motive, of keeping up a system of delusion, by suppressing the free exercise of reason. For truth, it will be urged, can never be at variance with truth; discoveries in astronomy, for example, in chemistry, or in geology, may indeed be totally unconnected with religious truths, but can never contradict them. To this it is replied, that it is not truth, but specious falsehood, not real, but pretended discoveries, that are dreaded. Far be it from us to deprecate the exposure of fallacies

and refutation of errors; but we must protest against the mode in which some well-intentioned persons proceed in this work. We allude to those who are always ready on every alarm, to call in the Scriptures to their aid, and to refute whatever they consider erroneous, by endeavouring to show that it is at variance with religion. This practice, if rightly considered, savours more of profaneness than of pious reverence for things sacred. It looks like a determination to make the Bible serve every purpose it can be made to serve. And the consequence must be, to many minds, that when conclusions, which appear to them satisfactorily proved, are opposed, not by refuting the arguments in support of them, but by an appeal to Scripture, their confidence in the divine authority of Scripture itself will be shaken. The censure, for instance, of the Copernican theory, as adverse to Revelation, produced probably, in those who had studied the subject, more doubt of the truth of Revelation than of the earth's motion. And this danger would probably have been incurred, though in a less degree, even if the Copernican system had been false, and if it could have been proved that the reception of it really is inconsistent with Christianity. The Scriptures should be appealed to only in respect of matters beyond the reach of unassisted reason. In all others, truth should be elicited and error refuted from those sources; and when we have shown, from such data as our natural powers supply, the falsity of each theory that contradicts our religion, we shall then really confirm the truth of that religion; which, on the other plan, could not be attempted without falling into a vicious circle. The Bible, it should be remembered, was not designed to teach men Astronomy or Geology, or, it may be added, Political Economy, but Religion; nor was it intended to preclude inquiry, or to supersede the exercise of our natural faculties in its prosecution, on subjects within their reach.

But wealth, it is alleged by some, is likely to occupy too high a place in our esteem, and too large a share of our attention, if made the subject of scientific inquiry. Some of our readers may wonder that we should think it necessary to notice an objection, which implies so complete a misunderstanding of the nature of the science as this. It may suffice to answer, if such opponents be worth answering, that they are mistaken in supposing Political Economy to be a system by which an individual is merely to acquire wealth for himself: that while the endeavour to acquire such wealth is laudable when pursued with moderation, and blameable only when carried to excess, the endeavour to enrich the needy and deserving is at all times commendable; and to increase and preserve the wealth of the community, or the

world at large, which is the practical end of Political Economy, is in truth the perfection of patriotism and philanthropy.

It is still true, however, that it would be a mistaken philanthropy, if it could be made out, that national wealth and prosperity are adverse to national virtue, or are best promoted by individual depravity, and tend to its increase. Such, to be sure, was the doctrine of Mandeville, in his celebrated work, The Fable of the Bees, or Private Vices Public Benefits,—celebrated, inasmuch as there are few who have not heard of it; yet so little read, that though seldom mentioned without some indication of contempt and abhorrence, there is no inconsiderable number of these very abhorrers, and of other well-intentioned persons, who unconsciously advocate his doctrines. The general drift of his system is what we have stated, viz. that there is inconsistency and absurdity in the attempt 'to make a great 'an honest hive;' that to make national prosperity, meaning by this, a flourishing condition of agriculture, manufactures, and commerce, and a numerous, thriving, well-supplied population, the object of our endeavours, while at the same time we declaim against avarice, sensuality, pride, and every kind of vice, is either gross hypocrisy, or childish self-delusion—the two things which we thus seek to disjoin being naturally and necessarily united. And consequently, if national prosperity is to be considered a good, private vice, being both the indispensable promoter, and the inevitable result of it, must be admitted to be a public benefit. In a second volume, which was subsequently published, (comparatively little known, though very well worth reading,) the author displays his principles in a more systematic form, with the most solemn protestations that he never had any design to recommend or palliate vice, but only to expose the inconsistency of those who profess to pursue two incompatible objects; and to point out the necessity of giving up either the one or the other: either national wealth or national virtue, which is inconsistent with it. And whatever may be thought of his intentions, it must be admitted that his conclusions are demonstrable to those persons who regard the increase of national wealth as detrimental to public morals.

In opposition to this view of things, Mr Senior's argument, brief as it is, and far from exhausting the subject, appears perfectly satisfactory.

'It is objected,' he says, 'that as the pursuit of wealth is one of the humblest of human occupations, far inferior to the pursuit of virtue, or of knowledge, or even of reputation; and as the possession of wealth is not necessarily joined—perhaps, it will be said, is not conducive—

to happiness, a science of which the only subject is wealth, cannot claim to rank as the first, or nearly the first, of the moral sciences.

'My answer is, first, that the pursuit of wealth, that is, the endeavour to accumulate the means of future subsistence and enjoyment, is, to the mass of mankind, the great source of moral improvement. When does a labourer become sober and industrious, attentive to his health and to his character?—as soon as he begins to save. No institution could be more beneficial to the morals of the lower orders, that is, to at least nine-tenths of the whole body of any people, than one which should increase their power and their wish to accumulate: none more mischievous than one which should diminish the motives and the means to save. If we have institutions eminently calculated to produce both the benefit and the mischief, how valuable must the science be that teaches us to discriminate between them, to extend the one, and to remove, or diminish, or at least not to extend, the other!

'I answer, in the second place, that it is perhaps true, that the wealth which enables one man to command the labour of hundreds or of thousands, such wealth as raised Chatsworth, or Fonthill, may not be favourable to the happiness of its possessor; and, if this be so, Political Economy will best teach us to avoid creating or perpetuating institutions, which promote such inconvenient agglomerations. But that diffusion of wealth which alone entitles *a people* to be called rich; that state of society in which the productiveness of labour, and the mode in which it is applied, secure to the labouring classes all the necessaries and some of the conveniences of life, seems to be, not merely conducive, but essential, both to their morals and their happiness. This appears to me so self-evident, that I am almost ashamed of taking up your time by proving it. But, if proof be wanted, we have only to consider what are the effects on the human character of the opposite state of society; a state in which the mass of the people is habitually confined to a bare subsistence, and, consequently, exposed from time to time, from the accidents of trade, or of the seasons, to absolute want. I will not dwell on the misery of those on whom actual want does fall: it is too painful to be steadfastly contemplated, and forms only a small part of the evil. The great evil is the general feeling of insecurity: the fear which must beset almost every man, whose labour produces him only a subsistence, and who has no resource against contingencies, that at some period, how near he cannot tell, the want under which he has seen others sink may reach himself.'

He goes on to observe, with much truth, that

'Such a population must be grossly ignorant. The desire for knowledge is one of the last results of refinement; it requires, in general, to have been implanted in the mind during childhood; and it is absurd to suppose that persons thus situated would have the power or the will to devote much to the education of their children. A farther consequence is the absence of all real religion: for the religion of the grossly ignorant, if they have any, scarcely ever amounts to more than a debasing superstition.

'It is impossible that, under such circumstances, there should be an

effectual administration of justice. The law has few terrors for a man who has nothing to lose. Its sufficiency, too, is almost altogether dependent on the support it receives from the general body of the people. Among a very poor, and consequently a very ignorant people, sympathy is almost always in favour of the offender: his flight is favoured, his lurking-places are concealed, the witnesses against him are intimidated, and he escapes even after he has become the subject of prosecution: but more frequently he escapes even prosecution. Outrages are committed in the presence of hundreds, and we are told that not one of the perpetrators can be identified; that is, though they are well known, the witnesses conceal their knowledge.

'When such is the character of the bulk of the community, there can be no security for the persons or property of any of its members. The three great restraints from crime,—religion, good feeling, and law, have, as we have seen, little force; while the great source of crime, the passion for immediate enjoyment, acquires additional strength.'

To these considerations Mr Senior might have added, that the chief moral evils usually regarded as connected with wealth, viz. overweening pride in those who possess a large share of it, and avarice in all classes, so far from being confined to the richest communities, or even being in them peculiarly predominant, are found nowhere more than in the poorest states; at least the poorest of those who have advanced one step beyond the condition of downright savages, so as to have any thing among them that can be called property. The Moors, the Persians, the Abyssinians, and many other nations of about the same degree of civilization and wealth, in various parts of the world, afford, unless they are sorely belied by travellers, the most ample proof, that poor communities are by no means exempt from the general prevalence of avarice, and, among the wealthy, of pride and selfish sensuality. The hackneyed remark of moralists, that a predominant attention to gain is likely to leave no leisure for nobler objects, and to degrade the human mind, is true enough, but is in general applied exactly in the wrong way; for the state of things in which the love of gain is most likely to absorb the whole mind, is, that wherein all but a very few are compelled to think with anxiety of the means of gaining sustenance; and the few who are exceptions to the general poverty, are certainly much more likely, from the circumstance of their being few, to pride themselves on the distinction which their wealth confers.

But we will not dwell longer on opinions, of which the distinct statement is a sufficient refutation, even in the judgment of those who maintain them; for they would, if we mistake not, shrink with abhorrence from the fellowship of Mandeville, the ablest and most consistent supporter of their system.

Considering, then, that the importance of national wealth is virtually admitted in the discussion of almost every public measure, (even of those which do not immediately relate to revenue,) it might seem, that nothing more was needed to establish the value of a systematic knowledge of the subject;—the desirableness of learning to judge rightly on a point on which we continually must judge, either rightly or wrongly. But Mr Senior has to encounter the objections not only of the moralists, who declaim against wealth in general, but of 'practical men,' who plead the cause of *common sense* against the refinements of theory, which, it is alleged, are ruinous when practically applied: Political Economy is objected to, not only because it tends to make us rich, but also because it tends to make us poor; first, on the ground that wealth is a bad thing—and next, on the ground that it is a good thing: so that its advocates have nearly as difficult a task as the Jacobite, of whom it is related, that he was pressed by an opponent with two objections to the claims of the Pretender; first, that he was not really the son of King James—and second, that he *was* the son of King James. We are inclined to regard what is usually termed common sense, (at least the most *common* sort of it,) as little better than the offspring of Pride begot upon Indolence. Those who are too lazy to take the pains of acquiring accurate knowledge on some point on which they are ignorant, and, at the same time, too proud to own their ignorance, shelter themselves under the convenient plea of being adherents of common sense, and decry speculative doctrines, which would be pernicious in practice. The censure may, in some instances, chance to be right; and so, perhaps, might the grapes in the fable have been really sour—but the fox would have had a better right to pronounce upon them if he had first contrived to taste them. In fact, every theory which fails in practice, must, if duly examined, be found to contain some flaw in principle; and the wiser and more effectual (though not the least laborious) procedure is, to detect its errors, and to condemn it, not for being a theory, but for being an unsound one.

It is observed, however, by Mr Senior, (and the same observation would apply in many other subjects,) that the declaimers against theory are in fact proceeding on a theory of their own, though a theory but partially comprehended, and embraced without reflection, on the authority of popular opinion. No mistake is more prevalent than to suppose, that whatever notions are *common* must needs be the dictates of common *sense*.

'We shall be far too favourable,' says Mr Senior, 'to most of those

who profess, and perhaps sincerely, to rely on common-sense in matters of Political Economy, if we believe that they actually do so.

'Political Economy was an art long before it was a science; and neither those who first practised it, nor their advisers, were fitted by knowledge, honesty, or singleness of purpose, to desire right ends, or to employ proper means.

'Those who first practised it in modern Europe, (and our maxims of Political Economy have no earlier origin,) those who first endeavoured to employ the powers of government in influencing the production, distribution, and consumption of wealth, were semi-barbarous sovereigns, considering their subjects not as a trust, but a property, and desirous only to turn that property to the best and readiest account. Their advisers were landholders, merchants, and manufacturers, each anxious only for his own immediate gain, and caring little how the rest of society might be affected by the monopoly he extorted. From the mode in which these persons pursued what they thought their individual interests, aided by national jealousy, and by the ambiguities of language, and unchecked by any sound principles, arose that unhappy compound of theoretic and practical error, the "Mercantile system." I think I may take it for granted, that all those whom I am addressing are acquainted with the outlines of that system; and I must necessarily consider it somewhat at large in my next lecture. I will say no more of it, therefore, in this place, than that it was founded in a belief, that the wealth of a country consists solely of gold and silver, and is to be retained and increased by prohibiting the exportation of money, and by giving bounties on the exportation, and imposing restrictions on the importation, of other commodities, in the hope of producing a trade, in which, the imports being always of less value than the exports, the balance may be paid in money: a conduct as wise as that of a tradesman who should part with his goods only for money; and, instead of employing their price in paying his workmen's wages, or replacing his stock, should keep it for ever in his till.

'As is the case, however, with every long-standing abuse, so many persons are immediately interested in supporting particular parts of the system, and the theory on which it is founded so long commanded universal assent, that ninety-nine men out of a hundred imbibe it with their earliest education. Terms which imply the truth of the theory, and, consequently, the propriety of the practice, have even become a part of our language. A trade in which money is supposed to be received in exchange for goods, is called a trade with a *favourable* balance; duties imposed to give monopolies to particular classes of producers, are called *protecting* duties; applications of the public revenue, to divert capital and labour from their natural employment, are called *bounties*. The consequence of all this is, that men who fancy they are applying common-sense to questions of Political Economy, are often applying to them only common prejudice. Instead of opposing, as they fancy, experience to theory, they are opposing the theory of a barbarous age to *the theory and experience* of an enlightened one.'

The 'mercantile system' here alluded to, the Professor exa-

mines more at large in the second of the publications before us; in which he discusses with great perspicuity and impartiality the causes which gave rise to the theory in question, the effects which have resulted from the attempts to realize it in practice, and the various arguments and quasi-arguments by which it has been defended. On the most attentive perusal, we have been able to detect no flaw or omission of any importance in this able discussion. If, however, it be in any material point unsound, we do earnestly hope, of such vital consequence are the questions at issue, that the fallacy will be clearly pointed out, and Mr Senior's argument answered by a sober and distinct refutation; not by a mere vague and declamatory repetition of high-sounding terms, such as 'encouragement of domestic industry,' 'protection of commerce,' 'national independence and greatness,' &c. &c.

In the opening of the first of the three Lectures last published, he states fairly and fully the substance of the arguments, pro and con, upon this interesting question.

'The advocate of freedom dwells on the benefit of making full use of our own peculiar advantages of situation, wealth, and skill, and availing ourselves to the utmost of those possessed by our neighbours. He asks, whether we should act wisely, if we were to declare ourselves independent of foreigners for wine, to devote our mineral treasures, and our industry, to the forcing of grapes for the production of home-made port and claret, and discontinue the manufacture of cottons and woollens for the markets of Oporto and Bourdeaux? And he urges that the same absurdity in kind belongs to every protecting duty and prohibition. He observes, in the words of Adam Smith, that it is the maxim of every prudent master of a family, never to make at home, what it will cost him more to make than to buy. The tailor does not make his own shoes, but buys them of the shoemaker. The shoemaker does not make his own clothes, but buys them of the tailor. The farmer attempts to make neither the one nor the other, but employs those different artificers. All of them find it their interest to employ their whole industry in a way in which they have some advantage over their neighbours, and to purchase, with a part of its produce, whatever else they have occasion for. And he infers, that what is prudence, in the conduct of every private family, can scarcely be folly in that of a great kingdom.

'The advocate of restriction and prohibition admits, that if the interests of the consumers were alone to be considered, the law ought not to force the production at home, of what can be obtained better, or more cheaply, from abroad. But he urges, that the opulence of the whole community is best promoted by encouraging its domestic industry. And that the industry of each class of producers is best encouraged by giving them the command of the home market, undisturbed by foreign competition.

'His opponent replies, that it is impossible to encourage the industry of one class of producers, by means of commercial restrictions, without discouraging, to an equal degree, the exertions of others. That every prohibition of importation is a prohibition of exportation. That every restriction on the importation of French silks is a restriction on the exportation of those articles with which those silks would have been purchased. That if it benefit the English silk manufacturer, it injures, to at least an equal amount in the whole, though the injury is less perceptible, because more widely diffused, the cotton-spinner, the cutler, or the clothier. That the whole body of producers, therefore, as an aggregate, suffer in their capacity of consumers without compensation.

'The really candid defender of restriction (and I am inclined to think that such persons do exist) admits, perhaps, the force of this argument, as applied to nations willing to take in exchange our commodities. To them he is willing to open our market on a footing, as he calls it, of reciprocity. But he urges, that there are many who refuse our commodities; and, while they persist in this ungrateful refusal, he retaliates by not accepting theirs.

'The advocate of free trade replies, that the benefit of commerce consists, not in what is given, but in what is received; that if the foreigner refuse to accept our commodities, he must either refuse us his own, or give them to us for nothing; that, in the first case, the abolition of commercial restrictions can produce no evil; in the second, it must produce a manifest good.

'He would do neither, replies his adversary, he would deluge us with his goods, and receive payment for them in our money.'

Our author proceeds to point out that such an efflux of gold and silver from one (not a mining) country to another, must, if it could be imagined to take place, so lower the money price of all commodities in the one, and raise them in the other, that the precious metals would in consequence flow back immediately into the one country and out of the other on all quarters, so as speedily to restore the equilibrium. 'To suppose that the 'level of the precious metals in the commercial world can be 'permanently disturbed by taking money from one country to 'another, is as absurd as to suppose that the level of a pond can 'be altered by taking a bucket-full from one place and pouring 'it in another. The water instantly rushes to the place from 'whence the bucket-full has been drawn, just as it rushes from 'the place into which it has been poured.' P. 12.

In the next Lecture, the author traces the mercantile theory, as he calls it; the doctrine that our prosperity depends on a 'favourable balance of trade,' *i. e.* in which, our exports exceeding our imports, we receive the balance in gold and silver; to the prevailing mistake of regarding *money* as synonymous with *wealth*, of which it is the common measure and representative.

That this favourable balance of trade with all the world, *i. e.* the state of continually receiving more money than we part with, cannot possibly exist but for a very short time in any country, has been already shown; he proceeds to point out (following the track of Adam Smith,) that if it could exist, it would be a detriment rather than a benefit.

'When this strange misapprehension of the nature of wealth had prevailed, I have no doubt that it was indebted for its continuance principally to the impossibility of reducing its principles to practice. We have seen that to sell without buying, or even to continue selling more than you buy, that is, to effect the object proposed by the mercantile system, the forcing a constantly favourable balance of trade, is impracticable. But if it had been practicable to a given extent and for a given time; if, by force of prohibitions, restrictions, and bounties, we had been able for twenty years together to make our exports exceed in value our imports, to the amount, we will say, of five millions sterling, and to receive and retain the balance, we should have found ourselves in time possessed of a hundred millions sterling in gold and silver, in addition to our money previously in circulation, which has never probably exceeded forty millions. It is difficult to say to what extent such an addition to our currency, uncalled for by any previous deficiency, would have raised the prices of all English commodities, and how low its abstraction from the currencies of the rest of the world would have sunk the prices of all foreign commodities. It is evident, however, that the rise here and the fall abroad, must have been such as to be inconsistent with the continuance of foreign commerce. When we found ourselves deprived not only of foreign luxuries and comforts, of wine, tea, and sugar, but of the materials of our most essential arts, of cotton, deals, and hemp, and repaid only by the pleasure of using five sovereigns to make a purchase which might have been previously effected by one, such a reductio ad absurdum would have been irresistible. We should have instantly seen the necessity of rather allowing our superfluous money to be exported, than of remaining, like Midas, abundantly provided with gold, but in want of food, raiment, and shelter. It is precisely because the object of the mercantile system is unattainable, because a balance of trade universally favourable cannot be created under ordinary circumstances, or, if created, could not, under ordinary circumstances, be retained for a month, that the absurdity of this system remained so long undetected, and is still generally unacknowledged. It follows a will-o'-the-wisp, which can remain an object of pursuit only so long as its real nature is unknown.'

There is, we think, a slight inaccuracy in one part of this statement, though not affecting the truth of the ultimate conclusion; viz. in the supposition that if it were possible to retain in circulation such an enormous mass of gold and silver, the consequent rise of prices would preclude us from foreign commerce. It is difficult to state accurately the results which would take place under an hypothesis which (like that before us)

never can possibly be realized. But if we suppose 100 millions of sovereigns, in addition to what we now have in circulation, to be permanently retained in the country, (which is something like supposing the case of the law of gravitation being no more,) our gold coin would on that hypothesis be, as far as regards foreign commerce, a nonentity; we should be in the condition of the Spartans with their iron money, or the Negroes with their couries; and our intercourse with the rest of the world would be carried on by a more or less circuitous barter. Let us imagine, (and no less extravagant supposition will serve our turn,) either that the sovereigns were subjected to some chemical operation, which should prevent their being melted down, except by some tedious and expensive process, or that a religious scruple against either exporting or melting them down were universally prevalent; it might then be worth a merchant's while to purchase in England, for 100 sovereigns, hardware or broad cloth, which would sell in France for a sum in French currency containing only as much gold, suppose, as 70 sovereigns, but with which he might there purchase wines that, when brought to England, would sell for 120 sovereigns; the real and ultimate transaction being, in fact, the exchange of the hardware, or broad cloth, for the wine. Something of the kind did actually take place, probably in many instances, during the depreciation of our paper currency. It might at that time answer very well to export commodities to a foreign country in which they should be sold for a price less than they had nominally cost in England, but which would purchase abroad articles that would sell here at a price which would render the transaction advantageous. The only result, therefore, would be, on the hypothesis before us, that we should have parted with 100 millions' worth of commodities, in exchange for the advantage of loading our pockets with an additional weight of metal, to make the same purchases as before.

This object, then, the *summum bonum* of the mercantile system, which makes wealth synonymous with money, and the great end proposed by bounties and restrictions of all kinds, being ascertained to be one which would be noxious, if it could be attained, which *cannot* be attained, and the vain pursuit of which deprives us (like the dog in the fable) of real advantages, it would seem, at first sight, to follow inevitably, that the wisest policy would be, to leave trade perfectly unfettered, and trust the care of national wealth to the exertions of individuals in the pursuit of their own.

The author notices three cases, and it will be found, we think, impossible to find out any other, in which an interference with

the natural freedom of trade may be defended, without reference to the mercantile theory. First, When national security is the object: Secondly, To prevent loss to individuals, who would be sufferers by a change of system; and, thirdly, Where the revenue is concerned.

Duties are imposed on many, both foreign and domestic productions, with the sole view of providing for the exigencies of the state; and when any domestic production, as hops, or glass, is taxed, a countervailing duty, as it is called, is imposed on the foreign article, to preserve the domestic producer from an unequal competition. And as long as the duty is strictly countervailing, and no more, the procedure is evidently no violation of the principles of free trade, but an application of them.

With respect to the other two cases, the regard for the interest of the individuals embarked in each particular occupation is the cause which has probably operated the most strongly in *producing* and upholding our commercial restrictions—the dread of insecure dependence on foreigners, that which has tended the most to *reconcile* the public at large to these restrictions. As for the first, it is plain, that though private loss and inconvenience should be guarded against or alleviated, as far as is consistent with the public welfare, an attention to this point, if carried far, would cut off the possibility of all improvements, since none can take place without some individual detriment. The watermen petitioned against hackney coaches on their first introduction; and many industrious copyists must at first have been thrown out of employ by the use of printing, which, on that account, is at this day prohibited by the Turks.

The extent to which claims of this kind have been advanced and admitted, constitutes one of the most remarkable things in the history of Political Economy. The smallest and most doubtful benefits to a few, have, in many instances, been allowed to outweigh the greatest and most certain loss to the many. That the mass of the community should take a false view of their own future interests, is very conceivable; but in the present case the benefit or the loss is immediate. The chief cause of this acquiescence is, (as is remarked in the Lectures before us,) that the loss is *diffused*, and the benefit *concentrated.* The aggregate loss may be very great, but each individual of several millions may bear but a small share of it; the total gain may be comparatively trifling in itself, (always much less than the whole loss to the public,) but being divided among perhaps a few hundreds only, may be to them something considerable; while a community of occupations and interests enables them to collect their force, and to act in concert in defence of the system that favours

them. If (for our sins) some ingenious system of culture had been devised, which had enabled us to produce in this country wine and cotton *nearly* equal in quality to the foreign, and not above 20 or 30 per cent dearer, we should infallibly have had meetings of cotton-growers and wine-growers to petition against the free admission of those articles from abroad; and though their own extra profit would not probably amount to one-tenth of what the public would lose by such a restriction, (the rest of the enhanced price being eaten up by the expenses of cultivation,) the consumers would probably submit to the loss, from fear of being accused of 'discouraging domestic industry,' and for the comfort of being 'no longer dependent on foreign-'ers' for wine and cotton.

National security, however, will seldom, if ever, dictate to an enlightened statesman a recourse to commercial restriction. As far as commercial intercourse renders us dependent on a foreign state, it necessarily renders that state, on the other hand, *dependent on us.* Nor should it be imagined, that if the one country is accustomed to import from another the most essential articles, such as corn, and to export in return only superfluous luxuries, she is therefore, in any sound sense, more dependent on the nation affording those supplies, than that nation is on her. 'Our de-'pendence on the Baltic States for the principal materials of 'our navy, (timber and hemp,) a dependence carrying a peculiar 'appearance of insecurity, never seemed to diminish our strength 'during war,' because the articles *can* be procured either circuitously, or from other quarters; while 'the dependence on 'England of the Russian landholders for their rents, made peace 'with us absolutely essential to them;' and yet Russia produces within itself an abundant supply of the bare necessaries of life; and the well-known name of the 'Sugar and Coffee War,' sufficiently indicates what description of articles formed the subject of that commerce, about which the dispute turned between Bonaparte and the Russians. We are, in fact, at this moment, more dependent on China than on any other country; or than we should be on that, if, instead of tea, we were supplied by it with wheat; not that tea is by any means so indispensable as bread, but because corn *might* be imported from many other countries, and tea only from China.

Mr Senior introduces, in his last Lecture, what we agree with him in calling,

'The most important document on the science of trade which has ever been made public,—the Petition of the British Merchants presented to Parliament in May, 1820. That Petition conveys the deliberate judgment of the first commercial members of the greatest

commercial country that exists, or ever has existed. It conveys their judgment upon facts constantly before their eyes; complains of evils by which they must have been principally affected; and points out remedies, of which the experiment was to be tried on themselves.'

We have only room to extract the concluding clause of this petition, together with the opinion expressed on the matter of it by the lamented statesman to whom it was submitted.

'"IT IS AGAINST EVERY RESTRICTIVE REGULATION OF TRADE NOT ESSENTIAL TO THE REVENUE, AGAINST ALL DUTIES MERELY PROTECTIVE FROM FOREIGN COMPETITION, AND AGAINST THE EXCESS OF SUCH DUTIES AS ARE PARTLY FOR THE PURPOSE OF REVENUE AND PARTLY FOR THAT OF PROTECTION, THAT THE PRAYER OF THE PRESENT PETITION IS RESPECTFULLY SUBMITTED TO THE WISDOM OF PARLIAMENT.

'"Your petitioners, therefore, humbly pray, that your Honourable House will be pleased to take the subject into consideration, and to adopt such measures as may be calculated to give greater freedom to foreign commerce, and thereby to increase the resources of the state."

'I cannot resist the temptation of adding, though it must be unnecessary, to the testimony of the petitioners, that of one of the wisest and most patriotic statesmen whose services this country has ever enjoyed,—of that excellent and enlightened man whom disease has now snatched from the national councils. Before this petition was presented to Parliament, it was submitted to Lord Liverpool, by a deputation of the most eminent of the petitioners. Lord Liverpool read it aloud to them, probably to mark that no part of its contents could have escaped his notice, and then added—"THAT, WITH EVERY SENTIMENT AND EVERY PRINCIPLE CONTAINED IN THE PETITION HE FULLY AND UNRESERVEDLY AGREED, AND THAT IF HE WERE THEN TO FORM A COMMERCIAL CODE, THOSE WERE THE PRINCIPLES ON WHICH HE WOULD ESTABLISH IT."'

We are sensible that no authority can make false doctrines true, or can supersede the resort to reasoning as to such as are doubtful; but it surely is not too much to expect, that such authorities as these should at least call that serious attention to the principles maintained, which could not be claimed by the ephemeral speculations of nameless theorists; and that arguments which have remained unrefuted since the time of Adam Smith, and which in the interval have decided the opinions of able and impartial judges, should at length be either satisfactorily answered, or *practically* admitted.

Whether the conclusions in the publications before us be fundamentally correct, or are open to valid objections, at all events the author will have done good service, if he shall have succeeded in awakening an interest, in new quarters, on the important subjects discussed—and induced others, by his example, to treat of them with the same manly fairness, and freedom from the narrow views of party politics.

ART. VIII.—*Second Memoir on Babylon, containing an Enquiry into the Correspondence between the ancient Descriptions of Babylon, and the Remains still visible on the site. By Claudius James Rich, Esq.* 8vo. Longman and Co. and Murray. London, 1818. pp. 58.

IN the year 1815, Mr Rich, at that time British Resident at Bagdad, published a Memoir upon the Ruins of Babylon, in an Oriental literary journal, printed at Vienna, and called *Les Mines de l'Orient.* An English edition of this Memoir was shortly afterwards published in London. It contained the results of Mr Rich's first visit to the ruins of Babylon, illustrated by very accurate drawings, plans, and measurements, but without any speculations of the author, or any attempt to dogmatize, or establish a theory upon the topography of that ancient city. It was drawn up with remarkable clearness, and may be considered as the first authentic account which modern times have produced of the remains of Babylon. Notwithstanding its great modesty and merit, it had the misfortune to excite the indignation of Major Rennell, the justly celebrated author of the Geography of Herodotus; who somewhat confounded *commentary* with *controversy*, when he put forth a paper in the Archæologia, for the purpose of 'vindicating the truth and consistency of ancient history, as well as his own account of Babylon, in the Geography of Herodotus,'* which he conceived to have been unjustly impugned by the statements and discoveries of Mr Rich. In consequence of this attack, Mr Rich was induced to publish a second Memoir, in which he has confirmed, by further observations, the accuracy of his former account, and met the objections of Major Rennell with a spirit of candour, which places him in a most amiable point of view, —at the same time, that no one can rise from the perusal of his Memoir, without being satisfied that he is a careful and unprejudiced observer, whose accuracy, in all respects, may be perfectly relied upon.

The great object of Mr Rich, in both his Memoirs, has been simply to describe the ruins which he visited, under circumstances which his official situation at Bagdad rendered pecu-

* Remarks on the Topography of Ancient Babylon, suggested by the recent Observations and Discoveries of C. J. Rich, Esq. Communicated to the Society of Antiquaries, by Major Rennell. Archæologia. London, 1816. pp. 22.

liarly favourable, without entering into any discussion respecting the extent, appearance, or situation of Ancient Babylon. Major Rennell, on the other hand, following Herodotus and other ancient authors, has propounded a theory upon the subject,* very laborious and excellent, considering the information which he possessed, but surely subject to correction from any new light that might be derived from the researches of such an observer as Mr Rich. However, Major Rennell having once got his head full of a Babylon of his own building, will not hear of any other; and every ruin, or building, described by Mr Rich, from observation and measurements *taken on the spot*, is accordingly treated by Major Rennell either as not existing at all, or as being of modern date—or as not being a building, *but a mountain!*†—unless the said ruins come within the pale of his own city. In our humble opinion, Mr Rich treats Major Rennell with rather too much courtesy, when he talks of his great 'diffidence, in opposing his ideas to such an authority.' We are perfectly willing to give Major Rennell all the praise he deserves; his Geography of Herodotus is, in many respects, an admirable work; and will always place him very high among the geographical writers of this, or, indeed, any other age; but with respect to his Topography of Babylon, we cannot consider him as any great authority. For how stands the fact? Why, incredible as it may appear, in a person undertaking an inquiry, where an accurate, and even critical knowledge of the original is absolutely essential, *if that original is to be blindly followed*, Major Rennell has taken for his text,—*not* Herodotus, whose description he proposes to follow—but the very loose and imperfect translation of Mr Beloe!‡ In the next place, Major Rennell never visited the ruins of Babylon himself; and therefore can have no right to oppose his own conjectures to the details of an accurate eye-witness. He is not to be listened to when he assumes hypotheses to suit his own preconceptions, or when he changes the course of a river to verify a plan which exists only in his own imagination.

The minute details contained in Mr Rich's two memoirs, confirmed as they have been by the observations of yet more recent travellers,—Sir Robert Ker Porter, Major Keppel, and Mr Buckingham,—appear to us to afford abundant materials for the

* Geography of Herodotus, p. 336, et seq.

† Archæologia, 1816. p. 250, 252, &c.

‡ See the preface to the Geography of Herodotus, in which Major Rennell very candidly states, that his ignorance of the Greek language has compelled him to adopt Mr Beloe's translation. Pref. ix. x.

discussion of a question, which has never been fairly and fully considered. The information supplied by the ancient writers, was always, indeed, within our reach,—but it is only of late that we have obtained accurate observations of modern travellers,—essential as a commentary upon the older historians, and without which, any theory which might be proposed, must rest, in great measure, upon mere probabilities. We propose, therefore, in this article, to collect every thing upon the subject of ancient Babylon which may be depended upon—elucidating the oldest accounts by the most recent, so as to settle, to the best of our ability, a question of no less importance than curiosity, both in a geographical and historical point of view.

Topography is not in general a subject of great interest. But some exception may perhaps be allowed for Babylon; and most readers, we think, will feel some curiosity about the remains of the most ancient work of civilized man. In entering upon an inquiry of this nature, the first question of course is,—what information do the ancient writers afford upon the subject? We are compelled to answer, that the Bible, and the History of Herodotus, are the only ancient records we can safely trust to. The Books of Moses, although of little use when we come to minute investigation, are yet of great service in the question of *general* locality: but the authority upon which we must mainly rely is undoubtedly that of Herodotus. Not only is he the earliest profane writer upon this subject; but he alone, of all the ancient historians, had the advantage of having visited Babylon in person, and while it was yet in a state of tolerable preservation; and although he may be liable to the imputation of occasionally retailing marvellous stories, yet, in no one instance where he speaks from his own observation, can he be accused either of partiality or invention. When he describes Babylon, therefore, as an eye-witness, we may rely with perfect security upon his accuracy.

Of the other ancient writers upon Babylon, no one has entered so much into detail as Diodorus; but he is not by any means so well entitled to credit as Herodotus: for, never having been upon the spot in person, he takes his account from other writers, and chiefly from Ctesias, an author of no authority, who shows his ignorance, by placing Nineveh *upon the Euphrates*, and his talent for exaggeration, by making Semiramis erect a monument to Ninus, *above three thousand feet high.*

Pliny may be entirely disregarded, for he only copies Herodotus. Strabo is very excellent authority as far as he goes; but at the time he visited Babylon, the houses had entirely disappeared, and all the great buildings were in ruins; so that he

must have trusted entirely to the traditionary reports of the time, or to the descriptions of other authors. Upon the extent of the walls, however, he deserves attention, as they were standing in his time.

Passing by Quintus Curtius, who describes the state of Babylon when Alexander first entered it, Arrian, the early Arabian authors, and others who have written upon the subject, we come to the travellers who have visited Babylon, from the 12th to the 18th century. Of these, Benjamin of Tudela, Rauwolf, Niebuhr, Pietro della Vallé, and Beauchamp, are the most intelligent and accurate,—although the propensity of the *traveller* does occasionally peep forth,—as when Rauwolf, describing the Tower of Babel, says, 'It is so full of vermin that hath bored 'holes through it, that one may not come near it within half-a-'mile, but only in two months in the winter, when they come 'not out of their holes. Among the insects, there are some 'called *Eglo* in the Persian language, that are very poisonous. 'They are bigger than our lizards, *and have three heads,* and on 'their back several spots of various colours,' &c. Trans. by Ray, p. 138.

For Babylon, as it now exists, we shall refer to the travels of Sir Robert Ker Porter, Major Keppel, and Mr Buckingham, and to what beyond all comparison is the most accurate and useful work which has yet appeared upon this subject, we mean the two memoirs upon the remains of Babylon, by Mr Rich.

We have first, then, to consider the situation and appearance of Babylon, as it existed about 500 years before Christ;—and afterwards the change which it has since undergone,—so as to identify, if possible, certain remains which are now visible upon and near the river Euphrates, with the site and most remarkable buildings of ancient Babylon. As we shall take Herodotus, in preference to any other authority, upon the first branch of this inquiry, it is extremely material to have some definite idea of the *measure* he makes use of, in a subject where distance and measurement form such important elements. We must, therefore, premise a few observations upon the Grecian stadium, used by Herodotus in Asia.

It is perfectly undeniable, that different ancient writers, in describing distances, make use of different measures, under the common name of *stadium.* It is only by such a supposition, that their measurements can in any way be reconciled. It has, indeed, been contended by some, that *all* their measures should be considered as *local* measures—upon the supposition that they always translated the measures of the country they were describing, by their own word stadium. There is not, however, the least authority for this extraordinary hypothesis.

It is sometimes extremely difficult to reconcile the stadia used even by the *same* writer. Thus Herodotus employs a stadium in Egypt and on the Euxine sea, totally at variance with that which he uses in Greece, Asia, and Persia. For, by taking an average of distance, we find his stadium in Egypt to be equal to the $\frac{1}{1020}$th part of a degree, or nearly seventeen (16, 95) to a geographical mile.* Now, in Greece, we find it increased to 755 to a degree. 'The distance from Pisa to Athens,' he says, 'wants precisely fifteen stadia of 1500.' That distance being 118 miles, gives 755 stadia to the degree. His distances in Asia, as we shall show presently, nearly agree with this measure in Greece, and correspond almost exactly with the stadium of Xenophon and Strabo.†

It is found, from a like comparison of distances, that the stadium used by Strabo, is the $\frac{1}{700}$th part of a degree, which has been employed in partial measurements in Greece, Italy, throughout the Mediterranean, and even in India; while an uninterrupted series of itinerary measurements from Cape St Vincent to the mouth of the Ganges, may be reconciled by reckoning the stadium at 833 to a degree. These observations are taken from a number of Phœnician and Babylonian measures collected by the Greeks, and from this it may be contended, that the stadium used by some Greek writers in Babylonia, must be taken to be the $\frac{1}{833}$d part of a degree.‡ There is, however, another mode by which we may arrive at the value of the stadium, and which appears to us the best to be adopted, where the question is, after all, a balance of probabilities;—viz. by taking as a standard the mean march of an army.

Taking the distance from Tyana to Tarsis, and from Tarsis to Mansista, and from Natolia to Trebizonde, as given by Herodotus,§ the times of march, as stated by Xenophon,|| and comparing these distances with those given by the Jerusalem Itinerary,¶ we have 15 Roman miles, or nearly 14 British miles for a** day's

* Herod. Euterpe, c. 6. 7. Melp. c. 85.

† This has nothing to do with the *olympic* stadium, described by Herodotus as consisting of an hundred orgyia, or 600 Grecian feet, and valued by D'Anville at 94½ toises, or rather less than a furlong. Eut. c. 149. Melp. c. 41.

‡ Gosselin, Mes. Itin. 9, 18. Malte Brun, following Gosselin, establishes this fact; but it does not apply to *Herodotus,* who never described the distance in question. Vol. i. p. 93, 94.

§ Herod. Erato. c. 43. Terp. c. 53, 54.

|| Anab. lib. i. ii. ¶ Jer. Itin. p. 577, 580.

** According to D'Anville, 75 Roman miles make a degree, which makes the Roman mile to the British as 15 to 14 nearly.

march of 150 stadia; that is, 10 stadia to each Roman mile, or 750 to a degree, and this comes very near the result of modern experience; for we are informed by Major Rennell, that the mean of ninety-five measured marches of Indian armies was a little more than 14 British miles per day.*

Now, the road from Sardis to Susa was the main road through that country, and was divided into eleven hundred and eleven stathmi, each stathmus being considered one day's journey, and terminating with a caravanserai. Herodotus, describing this road, states the distance at 450 parasangas, or 13,500 stadia.† This makes nearly 120 stadia from one stathmus to the next, and these being *olympic* stadia, of 600 to a degree, we have 120 : 600 : : 150 : 750, precisely agreeing with the day's march of Xenophon, and also with the stadium used by Herodotus in Greece. This stadium is equal to 489 English feet. The *mean* length of the stadium used by Xenophon, Strabo, Eratosthenes, and Herodotus, (in Asia and Greece,) is equal to $\frac{1}{720}$th part of a degree, or 505 English feet. The difference is not very material. But if greater accuracy should be thought necessary, we would prefer the first of these verifications, and hold, accordingly, that the stadium by which Herodotus reckons in Babylonia was equal to about 490 English feet.

Babylon was situated in the most fertile district of that part of Asia, which extended in length from the Mediterranean opposite Cyprus, to the head of the Persian gulf, and in breadth from Mount Taurus to the desert of Arabia. The country was watered by the Euphrates, which dispersed its streams by means of canals and hydraulic engines, and fertilized the land without overflowing it.‡ The general name given to this district is Senaar or Sinjar, called in the Bible *Shinar*. 'And the beginning of his 'kingdom was Babel, and Erech, and Accad, and Calneh, in the 'land of Shinar.' Gen. x. 10. We are in ignorance of the precise time when Babylon was built, as well as of the name of its founder. Some, indeed, pretend that it was begun before the deluge, and completed afterwards.§ While it is contended by Megasthenes and Abydenus, that it was founded by Belus, an Egyptian prince, who led a colony of Chaldeans into Babylonia, and was the fourteenth king after Ninus, the founder of Ni-

* Geog. of Herod. p. 22, note. † Terp. c. 52.

‡ Her. Clio. 193. The 9th Satrapy of Darius Hystaspes. It comprehended the country beyond the Tigris, of which Nineveh was the capital, Syria, Mesopotamia, and Babylonia. Herod. Thalia, c. 92.

§ Perizonius, Origines Babylonicæ, ii. c. v. p. 69. Edit. 1786. See also Reimannus, Hist. Litt. Babyloniorum. Bruns. 1741.

neveh, and that it received its name in honour of its founder Belus.

Now, it seems to us much more probable that the city was called Babel, either from having been itself, or from having had its principal temple, dedicated to the god Bel, or El, the deified personification of the sun. The word *Babylon* is of modern introduction; the only name ever given to that city in the Bible, either in the Hebrew or Chaldee, being *Babel*, which all the commentators on the Bible have explained to mean *confusion.* We shall shortly state our reasons for adopting a different signification.

In the first place, there is no such word either in the Hebrew or Chaldean language as *Babel;* that which comes nearest to it is, בִּלְבֵּל, *Bilbel, which means confusion:* and the verb בָּלַל *Balal, to mix or confuse;* whereas בָּבֶל *Babel,* is distinctly written in the same way, both in Hebrew and Chaldee, and must therefore be considered as a proper name derived from some other language, probably the Syriack. The original language spoken at Babylon certainly was not Hebrew; for that was not introduced till after the Jewish captivity: Neither was it Chaldean, for that was confined to the learned men; thus Nebuchadnezzar commanded Ashpenar, the master of his eunuchs, 'to bring certain 'of the children of Israel, in whom there was no blemish,' and whom they might teach *the learning and the 'tongue of the Chal-'deans,'* (Daniel, i. 4;) and accordingly Daniel, who was one of those selected, had his genuine Hebrew name of Daniel changed into the Chaldean name of Belteshazzar. The common language of the country appears to have been Syriack; for when Nebuchadnezzar called the magicians, and sorcerers, and astrologers, and Chaldeans, before him to interpret his dream, the Chaldeans *addressed him in Syriack.* (Daniel, ii. 4.) It is extremely probable that the first builders of the city should name it in the language that was most familiar to them, and the singular coincidence between Babel and بابل *Bab-el,* (Arabic,) is strongly in favour of the supposition that the Arabic word is the original language of that country. Now the Arabic word, باب Bāb signifies Gate, and is familiarly compounded with other words in giving names to cities or remarkable places.

Thus, باب الخلافات Bāb-el-Khalafāt, 'the Gate of the Ca-'liphs,' a name given to the Palace at Bagdad by Almanzor, the founder of that city. بابين Bab-a-in, the 'Two Gates,' a town in Arabia, in the district of Bahrain, on the point of the

Persian Gulf. باب‌المانذدب Bab-el-mandeb, 'the Gate of Tears,' the strait, or passage into the Red Sea, vulgarly called *Babel-mandel.** باب‌الابواب Bāb-el-abuwāb, 'the Gate of Gates,' باب‌الزقاق Bāb'-z'-zukāk, 'the Gate of the Way,' the original name of Gibraltar, Gibelu'l'Tarek,—for the mountain of Tarek, being the spot where the Arabian general Tarek first landed in his descent upon Spain.

In like manner, in Persian, the word در Dur, or gate, is also applied to towns. در بند Dur-bund; در الاصلم Dur-issalam, 'the Door of Peace,' the name first given to Bagdad, by Al-manzor, whence the Greek writers called Bagdad Irenopolis. الدر El-Dur, the modern name of the ancient city of Thapsacus, on the Euphrates.† In like manner, we find دروازه Durwāzeh, a city of Turkey, and درگز Dur-guz, a town of Irak.

In the next place, Belus, or Bel, is a name which, in the *East*, has been universally applied to a superior, lord, *God*, or master. It is the Bel of Scripture—in Hebrew, בעל, Bel, or Baal—denoting the great idol adored at Babylon. '*Bel* boweth down.' Isaiah, xlvi. 1. 'Babylon is taken, *Bel* is confounded, Merodach is 'broken in pieces.' Jeremiah, l. 2. The destruction of the idol being always mixed up with the destruction of the city. 'And 'I will punish Bel in Babylon; and I will bring forth out of his 'mouth that which he hath swallowed up; yea, the wall of Baby-'lon shall fall.' Jer. li. 44; also Isaiah, xxi. 9. It is the same as the Baal, or Baalim, or Baali of the Scriptures, originally signifying *God*, but being also applied to idols, it became a term of reproach, and offensive to the Almighty. 'And it shall be 'at that day, saith the *Lord*, that thou shalt call me Ishi, and 'shalt call me no more Baali; for I will take away the names of 'Baalim out of her mouth, and they shall no more be remembered 'by their name.' Hosea, ii. 16, 17. It is the βηλ, or βηλος, of the Greeks. Διὸς, ὅν καλȣσιν οἱ Βαβυλώνιοι βηλον.‡ Φοινικες και Συροι Κρονον Ηλ

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* These straits derive their name from the danger that was supposed to attend the passage; and it was in former times a custom among the Arabs, to mourn as dead such of their friends as attempted it.

† This city, which was memorable in the campaigns of Xenophon, Cyrus, Darius, and Alexander, was visited by Balbi, a Venetian merchant, in the year 1580. Upon this subject, see D'Anville. L'Euphrate et le Tigre, p. 45.

‡ Diod. Sic. lib. ii. p. 69. Perizonius, c. v. 73.

και Βηλ, και βολαθην ἐπονομαζουσι. Damascuis (apud Phocium.) Baalbek, the city sacred to Baal, or Bel, was called by the Greeks Ηλιοπολις. It is identical with the *Beel-samen*, or Lord of Heaven, of the Phœnicians ;* the *Beal* of the Druids, and the Ηλ of the Greeks, *i. e.* the sun, in honour of whom the festival Ηλια was established at Rhodes, an island sacred to the sun.† So also, Servius in Virg. ' Omnes in istis partibus *Solem* colunt, qui istorum linguâ ' *Hel* dicitur.'‡ Hence, whether we take با بل Bāb-el, or با بل Bāb-bel, to be the original word, it seems certain that Babel is not a word, in any known or unknown language, signifying *confusion* or *mixture*, but a natural and obvious term, applied by the original founders, and signifying the Gate or city of Bel,—most probably in allusion to the Tower or Temple of Belus, commonly called the Tower of Babel, the most remarkable building in the city, and dedicated to the chief God of their idolatry. ' Vocem ' *Babel*,' says Hugo Grotius, ' ex *linguâ primævâ*, videtur servari, adeoque tot ejus in linguis variis extare vestigia.' We shall only further add, that the country in which the remains supposed to belong to Babylon are found, is called by the Arabs of the present day, ال ارض بابل El aredh Bābel, ' The land of Bābel,' precisely as, in the Bible, it is called, אֶרֶץ בָּבֶל Eretz Babel, ' The whole earth, or territory of Babel.'

Babylon was situated, as we have already seen, in the plain of Shinar ; and it would appear that its founders were the first settlers in that part of the country, and that they had no connexion with the inhabitants of the great city of Nineveh, which lay due north from Babylon. ' And the whole earth was of one ' language and of one speech. And it came to pass, *as they* ' *journeyed from the East*, that they found a plain in the land of ' Shinar ; and they dwelt there. And they said one to another, ' Go to, let us make brick, and burn them thoroughly. And ' they had brick for stone, and *slime*§ had they for mortar. And ' they said, Go to, let us build us a city and a tower, whose top ' may reach unto heaven ; and let us make us a name,' &c. Genesis, xi. 1—4. But there is nothing to be found in the Bible which enables us to fix upon the precise spot where Babylon stood.

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* Euseb. Prep. Evan. lib. i. c. 9. † Diod. Sic. lib. v. p. 327.

‡ Servius, Æneid, lib. i. de Belo Phœnice. For a more full etymology of the word *El*, the Sun, see Bryant's Mythology.

§ The word חֵמָר which is translated ' slime' in Genesis, is properly ' pitch,' or ' *bitumen*.' See Exodus, ii. 3, and Buxtorf, Lex. Hebraic. et Chald. Basil, 1621, in voce.

All we know is, that it was in the land of Shinar, and upon the banks of the Euphrates.* It has indeed been contended by some learned antiquaries, that the sites of Calneh, Erech, and Accad, are to be found at Ctesiphon, Orfah, and Misibeen,† chiefly on the authority of Pliny, who says, that the Parthians built Ctesiphon, 'in Chalonitide;'‡ but whether the Calneh of Genesis stood where the ruins of Ctesiphon now stand, is as little known as that it stood on any other spot on the eastern side of the Tigris, Chalonitis being the *district* and not the *city*. As to the topography of Erech and Accad, it rests on no better authority; so that the situation of Babylon can no more be deduced from the supposed sites of those cities, which, with it, 'were in the land 'of Shinar,' than from the topography of Troy, or any other place of doubtful existence; and indeed, how is it to be expected that the position of such obscure cities as Erech, Accad, and Calneh, should be now discoverable, when even the great Nineveh, and the mighty Babylon, the 'daughter of the Chaldeans,' the 'beauty of the Chaldees excellency,' are scarcely to be distinguished from the nameless heaps of the desert?

We must have recourse, therefore, to Herodotus; and as he describes Babylon from his own observations, taken upon the spot, his account forms, after the Bible, not only the most ancient, but the most authentic description we possess of that city. The following is the most *literal* translation we can give of the passage in question:—

'There are many great cities in Assyria; but the most illustrious and the best fortified, and that which, since the fall of Ninus, has been the seat of government, is Babylon. It was thus constructed: The city lies in a great plain. Its extent on each side, for it is square, is one hundred and twenty stadia. Its circumference is, therefore, four hundred and eighty stadia. Such is the magnitude of the city of Babylon. It was embellished as no other city of which I have any knowledge. A deep and wide trench full of water encircles it, next to which is a wall fifty royal cubits in breadth, and two hundred cubits in height, (the royal cubit exceeds the ordinary cubit by three fingers.) It must be observed, that the earth out of the trench was employed for this purpose, and the wall was constructed in this manner: When they dug the ditch, they removed the earth and made it into bricks, and having made a sufficient number of them, they baked them in furnaces; then making use of heated bitumen by way of mortar, and interposing layers of reeds throughout

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* Gen. x. 10. Jer. li. 61—64.

† M. Brosses, Mem. de l'Academie Royale, xxvii. p. 31.

‡ Ctesiphontem juxta tertium lapidem, in Chalonitide, condidere Parthi. Plin. vi. c. 26.

thirty courses of bricks, they first built the sides of the ditch, and then the wall itself in the same manner.*

'Upon the wall, along its extreme margin, they built small houses of one story,† facing each other. They left sufficient space between these houses for a chariot, drawn by four horses, to turn round. There were an hundred gates in the wall, all of brass; and the posts and lintels of the gates were of the same metal. There is another city, eight days' journey from Babylon, of the name of Is, where there is a large river of the same

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* This is a most important passage, and as a different translation has been given of it, we must state our authorities for the one we have adopted. The words are, μετὰ δὲ τέλματι χρεώμενοι ἀσφάλτῳ θερμῇ, καὶ διὰ τριήκοντα δόμων πλίνθου ταρσοὺς καλάμων διαστοιβάζοντες. Clio 179.

Some commentators, and amongst them Wyttenbach, (Select. p. 353,) give to διὰ τριήκοντα δόμων πλίνθου, the interpretation, 'de tricesimo quoque 'laterum ordine,' in *every thirtieth row;* and this has been adopted by Rennell, Rich, Buckingham, and others. Now, it is certain that the interposition of reeds with *bitumen* was intended not only to strengthen the building, and therefore most naturally used nearest the foundation, but more particularly to protect the lower part of the wall which lined the ditch, from the action of the water, and also the lower part of the city wall, or any other of the buildings, from the damp of the ground. This was the chief use of the *bitumen*, which, we shall find hereafter, was inferior *as a cement,* to the fine lime mortar which was employed in the higher parts of the buildings. Hence, it is difficult to see why the obvious translation is to be departed from, and this passage rendered by '*every thirtieth row.*' Accordingly, Wesseling, in his commentary, translates this, 'per triginta '*imis* ordinibus,' the thirty *lowest* courses. In which also Schweighaeuser agrees, (Herod. Schweig. v. 179, 1816,) on the ground that in this way the superstructure would be better supported. See also Samasius. Exercit. Plin. p. 1230. There is indeed no warrant for introducing the word *imis* into a literal translation; but there can be no doubt Herodotus means the thirty *lowest* courses, if he means the thirty courses to be consecutive; and it appears to us the passage must bear this interpretation. There is a description of an ancient wall, in which layers of reeds were laid in the cement, in Tavernii Itinerario, lib. ii. c. 7, p. 295, 8vo ed.

† Another controverted passage—οἰκήματα μουνόκωλα ἔδειμαν. The correct meaning of οἰκήματα is *small buildings.* It has been translated *towers;* but that is a term borrowed from Strabo, Lib. xvi. p. 738, which is not sufficient to change the usual acceptation of this word: μουνόκωλα, unius membri, according to Gronovius, of which Wyttenbach approves, Select. p. 354; and also Schneider. Schweighaeuser differs; and after a learned discussion concludes, 'Quare οἰκήματα μουνόκωλα intelligenda putavi, do'munculas, *unum continuum latus,* unam continuam superficiem, offer'entes, id est, contiguas et uno tenore continuatas,' (Herod. Schweig. v. 179,) that the small buildings had their frontage in continuation, or *flush,* with the wall. It appears to us, that buildings of *one story* is the best translation.

name, running into the Euphrates. This river Is brings large clots of bitumen with its stream, from whence the bitumen was brought to the wall of Babylon. Babylon was built in the following manner :—the city is divided into two portions, for a river separates it in the middle, the name of which is the Euphrates; it flows from Armenia, and is great, deep, and swift; it discharges itself into the Red Sea. Now the wall stretches out its arm on each side to the river, from the extremities of which there extends an embankment of furnace-baked bricks, winding along each bank of the river.* The city, which contains several houses of three and four roofs, (*i. e.* stories), is divided into streets, some of which are straight, some otherwise, and cross streets leading to the river. By the river side, opening to each of these streets, there are gates in the wall, to the same number as the streets. These are all brazen, and they all lead to the river. The wall forms a sort of breastplate; another wall encircles (the city) within, not much weaker than the other wall, but more narrow. In each of the two divisions of the city, in a conspicuous situation, there is a walled enclosure.† In the one is the palace, within a large and fortified enclosure; in the other, stands the temple of Jupiter Belus, which has brazen gates, and which was extant in my time, being altogether a square of two stadia. In the middle of the temple a solid tower was built, which was one stadium in length‡ and breadth. Upon this tower another tower

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* Τὸ ὧν δὴ τεῖχος, &c. (Clio. 180.); this passage is somewhat obscure. From the best consideration we can give it, we conceive it means, that the city wall extended to each bank of the river; and from the point where the extremity of each branch of the wall met the bank, another wall, forming an angle with the city wall, extended along the side of the river, making an embankment.

† Εν δὲ φάρσεϊ ἑκατέρῳ τῆς πόλιος τετέιχιστο ἐν μέσῳ. The current translation of this passage has been, '*In the centre* of each division of the city 'there is a fortification.' Now let it be observed, that in this place ἐν μέσῳ is used *adverbially, and does not govern any other word;* consequently, it will not bear the translation, 'In the centre *of each division*,' which belongs rather to the construction, ἐν μέσῳ του φάρσου ἑκατερῳ; as, for example, ἐν μέσῳ κλινης, 'In the middle of the couch,' Hecuba, 1150; ἐν μέσῳ πυρός τε και γης, inter ignem et terram, Plato; ἐν μέσαις Μούσαις 'Απόλλων, in the midst of the Muses, Pindar, Nem. 5, 42. Now, we have the highest authority for saying, that ἐν μέσῳ, used as it is in the text, is very frequently applied to things that lie in the way, or are conspicuous objects, or exposed to public view; for Schneider, speaking of this word, says, 'Sehr häufig ist ἐν μέσῳ, besonders bey den Atticen von Per'sonen und Sachen, die im Wege Stehn offenbar vorliegen, gemeinschaft'lich sind.' Schneider's Greek Lexicon. By Passow. Leipsic, 1826. Accordingly, the correct translation in the passage of the text is, '*in a conspicuous situation.*'

‡ Μῆκος. This was unaccountably translated '*height*,' until Bochart Phaleg. I. 13, corrected the error, and gave the true meaning, '*length.*' Major Rennell, *by following Beloe*, got into the predicament of making

stood, and another upon that, up to eight towers. The ascent to them was made in a circular form, leading round all the towers on the outside. In the middle of the ascent is a landing-place, and seats to rest upon, on which persons ascending it sit down to rest. On the summit of the tower there is a large temple. In this tower is a large bed, beautifully decorated, and by it a golden table. There is neither any image whatever in the same place, nor any man to keep watch there at night, only a woman of the country, whom this god has the power of selecting from the whole population, according to the doctrines of the Chaldeans, who are the priests of this god. These persons say, what to me is incredible, that this god comes into the temple and lies on the couch, under the same circumstances as occur in Thebes in Egypt, according to the Egyptians; for there a woman is bedded in the temple of the Theban Jupiter. And the women who have undergone this ceremony in both countries, all say, that no man has sexual intercourse with them. And the same thing occurs in Pateris in Lycia, to the interpreter of the god, when there is any, for the oracle is not always there; but when there is, the woman is shut up during the night in the temple. There is, in this Babylonian temple, also another cell underneath, and in it stands a large golden image of the god, and by it a golden table, and the pedestal and the pediment are both of gold; and the Chaldeans say, that these are made out of eight hundred talents of gold. On the outside of the temple there is a golden altar; but there is another altar, where the sheep, which are of a mature age, are sacrificed. On the golden altar all sacrifice is prohibited, except of sucklings. On the greater altar the Chaldeans offer up a thousand talents of frankincense every year, when they solemnize the festival of this god. There was, in this enclosure, at that time, a statue of solid gold, of twelve cubits; but this I did not see. I merely repeat what is said by the Chaldeans. Darius Hystaspes, who had designs upon this statue, did not dare to take it; but Xerxes, his son, took it, and slew the priest who resisted its removal. This temple is thus embellished. There are also many offerings from individuals.'—Clio. 178, et seq.

Such is the account given by Herodotus of Babylon, as it existed when he saw it; about 450 years before the Christian era, half a century before the expedition of Cyrus, and the retreat of the ten thousand, and upwards of a century before Alexander crossed the Hellespont. He is careful to distinguish between what he saw, and what was related to him; and so detailed is his description, that we might rest satisfied without calling in the aid of any other ancient writer. At the same time, while we declare our faith in Herodotus, we do not by any means think it fair to try his account, even to the most minute particular, by the severe standard which is applied to the descrip-

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the *first* tower, or basement, 500 feet high, upon which seven other towers were built, which, if any regard was paid to proportion, would have made the Tower of Babel upwards of 3000 feet in height!

tions of writers in the present day—where critical accuracy, in topographical inquiries especially, is most properly required; but without resorting to this test, it is enough to know that the *general* veracity of the ancient historian is unimpeachable, while the circumstances of his having been an eye-witness of what he describes, heightens our belief in the *details* which he presents to us.

Although we are not disposed to lay much stress upon the testimony of the ancient writers, who only retail what others have told them, we cannot pass them over in silence. We have already stated from what sources Diodorus derived his information. In like manner, Strabo and Quintus Curtius formed their opinions upon the reports of the followers of Alexander, many of whom kept journals of the expedition. Strabo, indeed, was on the spot; but, by his own account, he was not there until after the area had been ploughed over, and when the walls were reduced to fifty cubits in height, and twenty-one in breadth.

The substance of what is stated by these writers, and by Pliny, Abydenus, and Berosus, is as follows:—that Semiramis, when she built the city, collected together two millions of workmen; the extent of its walls was 385 stadia, according to Strabo; 368, according to Quintus Curtius; and 365, according to Diodorus; the buildings were not contiguous to the walls, but a considerable space was left all round. The enclosed space, covered with houses, did not exceed a square of eighty stadia; neither did the houses join, as in modern streets, but were, most of them, surrounded by gardens and extensive pleasure grounds. A large extent of the whole enclosure was cultivated; so that the inhabitants, in the event of a siege, might not be compelled to depend upon supplies from without. A vast space was taken up by the palaces and public buildings; the enclosure of a park of one palace alone being no less than a square of fifteen stadia. The Euphrates at Babylon was one stadium in breadth. The hanging gardens, which were adjacent to the river, and were watered from it by means of hydraulic machines, formed a square of four plethora, (400 feet,) and were supported by twenty walls, eleven feet distant from each other. They contained between three and four acres, and were fifty cubits, or seventy-five feet, to the top of the highest terrace. An outer wall, of sixty stadia in extent, surrounded the great palace and the gardens; there was also an inner wall of forty stadia in circumference, highly ornamented with painted tiles, representing animals, hunting pieces, and astronomical devices.* The embankment of the river was the

* Beauchamp says, he discovered on part of a wall of a house, figures

work of Nebuchadnezzar, for the purpose of keeping it within its channel; and consisted of a very strong wall of brick and bitumen, extending from the Nahr-Malcha, or Royal Canal, (which joined the Euphrates and Tigris,) down to this city, and some way below it. Wherever the cross streets encountered this wall, a brazen gate was erected, with steps leading down to the river, so that the inhabitants might cross in boats from one side of the river to the other. These gates were open by day, but shut during the night. While this embankment was building, the river was turned into a prodigious lake, dug on purpose to receive it, and which, at the lowest computation we can assign to it, was one hundred and sixty *miles* in compass, and in depth thirty-five feet, according to some, and seventy-five, according to others! In this lake the waters of the Euphrates were received until the embankment was completed, when the river was turned into its old channel.* This story of the lake is too monstrous a lie for the most credulous to swallow, to say nothing of the incredible absurdity of digging a lake, when the obvious expedient of merely diverting the river into another channel must have suggested itself.† The real truth probably is, that the Nahr-Malcha, which tradition has always pointed out as a work of Nebuchadnezzar, was made for the purpose of carrying the stream of the Euphrates into the Tigris, until the embank-

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of a cow, and of the sun and moon, formed of varnished tiles; and he found one brick, on which there was a lion, and on another a half-moon, in relief.

* For these particulars, see Diodorus, lib. ii. c. 1. Strabo, p. 733. Quintus Curtius, lib. v. c. 4. Pliny, lib. vi. Prideaux, p. 82, who cites Berosus apud Joseph. Abydenus apud Euseb. and Megasthenes.

† Perhaps some of our readers may be curious to know how long it would take to fill this lake. Taking it at the lowest dimensions, of a square of forty miles by thirty feet deep; and supposing the Euphrates to be five hundred feet wide, ten deep, and to flow at two miles an hour, it would require one thousand and fifty-six days to fill the lake, allowing no absorption to the sides; but if absorption and evaporation are taken into the account, we may put the time at four years, or thereabouts, which no doubt would be sufficient, considering the number of hands employed to complete the embankment. By way of comparing this with a work of modern times, we may notice, that the Bristol Ship Canal, one of the late projects, was intended to have been eighty miles long, one hundred feet wide, and thirty deep; and the estimated cost was four millions sterling. To be sure, labour was cheaper at Babylon than in London—and well it might be; for if the Babylonian lake were to be made now in England, it would cost the trifling sum of four thousand two hundred and twenty-one millions sterling.

ment was completed. The position of the Nahr-Malcha is perfectly well known; it extended in a south-easterly direction, from the Euphrates, *above* Babylon, to the Tigris, which it joined nearly opposite the city of Ctesiphon.

There is nothing in the foregoing account which at all affects the description of Herodotus, with the exception of the discrepancy between the extent of the walls, as stated by him, and that given by Strabo. Now, this difference is by no means so great as it appears at first sight. We have already seen that the stadium used by Strabo is to that of Herodotus as 700 to 750; consequently, reducing their measurement to one standard, it will be found that the wall, as given by Strabo, falls short of the extent given by Herodotus, by seventeen stadia only; and when we further consider, that neither of those writers was very likely to have actually measured the wall himself, but that they had their information, the one from the people of the city, while it was actually inhabited, the other at a much more distant period; we may fairly conclude, that neither account is very far from the truth, although, for the reasons already stated, we incline to adhere to that of Herodotus. We may add, that according to the Theodosian Tables, the distance from Babylon to Seleucia was forty-four Roman, or thirty-two geographical miles: And then we may assume the position and appearance of Ancient Babylon to have been nearly as follows.

The city was situated within an enclosed area, surrounded by a ditch and wall, in the form of a square, of which each side was eleven British miles in length. This area was divided (but not *bisected*) into two portions, by the Euphrates, which flowed through it in a direction nearly north and south. The city of Is, (now called *Hit*,) also upon the Euphrates, lay to the westward of north, at the distance of 130 geographical miles. The city of Seleucia upon the Nahr-Malcha, and very near the Tigris, lay to the north-east, at the distance of thirty-two geographical miles. Within the great wall, another wall of smaller dimensions enclosed the part of the area which was built upon. It is not perfectly clear from Herodotus whether this interior wall extended on all sides parallel to the great wall, so as to form a complete enclosure; but this is most probable, as, in describing it, he uses περιθει, in opposition to τετείχιστο. This also confirms Quintus Curtius, who says, that a considerable space intervened *all round*, between the buildings and the wall.* The space built upon was an

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* Quint. Curt. lib. v. c. 4.

area between seven and eight miles square. The ground between this and the great wall was cultivated, besides which, large plots of ground were probably allotted to all houses of any importance, laid out either as gardens or pleasure-grounds. In one division of the city, not far from the bank of the river, stood the Great Palace, with its hanging gardens.* In the other was placed the Temple of Belus, but in what precise spot, whether near or far from the river, is not mentioned. This temple consisted of a square enclosure, the wall of each side being nearly one thousand feet in length. In the centre of this area stood the Great Tower, or Altar, upon which the sacrifices were made to the god. Its form was pyramidal, composed of eight receding stages, the whole height being five hundred feet, and the base, a square of the same dimensions. At one side of the tower, and also within the enclosure, there was a building inhabited by the priests, and those connected with the rites and mysteries of Belus. The tower was solid, (with the exception of the small chambers, or holy cells,) and was cased with furnace-baked bricks, the lower part being probably built, like the foundation of the city wall, of bricks laid in bitumen.

The chief objection to the descriptions given of Babylon by the ancient writers, has been made to its vast size, and to the difficulty of supporting its enormous population, in a country, one part of which (Arabia) was far from fertile, and in an inland situation, difficult of access to distant countries, and with very imperfect means of obtaining their production.

To take the latter part of the objection first;—we are perfectly willing to admit that a maritime capital is capable of far greater extension in proportion to the whole country, than a metropolis which is far removed from the coast, or is deprived of the benefit of water carriage; but it must be remembered that Babylon, although not a sea-port, was by no means destitute of this advantage. The productions of Mesopotamia, and a great part of Persia, might be conveyed by the Tigris, and thence into the Euphrates by the Nahr-Malcha, and other canals, which were dug at various periods, from the time of Nebuchadnezzar downwards, to connect those rivers at different points *above* Babylon; while the produce of the countries to the north of the

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* The vaulted tunnel under the river, forming a communication from the Great Palace to *another* palace on the opposite bank, must be rejected as not resting upon sufficient authority. It is described by Diodorus alone, who is wholly unsupported in his account of the second palace, of the tunnel, and also in the breadth of *five* stadia which he *assigns* to the *Euphrates.*

Persian Gulf, might pass up the Euphrates, together with the food derived from Babylonia itself, at that time one of the most fertile districts of the East. True it is, that rich country is now a desert. 'The sea is come up upon Babylon; she is covered 'with the multitude of the waves thereof; her cities are a deso-'lation, a dry land, and a wilderness; a land wherein no man 'dwelleth, neither doth any son of man pass thereby.'* 'The 'Arabian shall not pitch his tent there. I will make it a possession 'for the bittern, and pools of water; and I will sweep it with 'the besom of destruction, saith the Lord of Hosts!'† But in the days of Babylon's prosperity, the surrounding country abounded with the fruits of the earth; it was productive as a garden, and in the time of Herodotus, was regarded as the richest part of the most fertile district of Asia.‡ So that, taking into account the small quantity of animal food consumed by the inhabitants of southern climates, as compared with those of northern latitudes, we shall find that Babylonia itself might afford vegetable supplies for a population as great as that of Babylon is supposed to have been. In fact, it is impossible in this respect to compare Babylon with London, as some authors have done, and to say,—because it requires so many acres to furnish food for the inhabitants of London, that therefore Babylon, containing so many more, must have wanted a greater extent of cultivated ground than the immediate vicinity afforded. The nature of the food required, and the wants of the consumers, were totally different—the fertility, beyond all comparison, greater in favour of Babylonia. The population, too, instead of being compressed into crowded streets, as in modern cities, was scattered over a space that rather resembled an enclosed district, where each house is a villa, than a closely-built town; and even the area, which, according to Quintus Curtius, was built upon, did not very greatly exceed that upon which London stands, measuring from the end of Whitechapel to Tyburn turnpike, in one direction, and from Pentonville to the southern extremity of Southwark, in the other; and this, too, *exclusive* of Knightsbridge, Kensington, Bayswater, Kentish-town, and the other suburbs, which might fairly be taken into London, when comparing it with a city built as Babylon was.§

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* Jeremiah, li. 42, &c. † Isaiah, xiv. 23.

‡ Babylon constituted part of the ninth Satrapy of Darius Hystaspes, and paid an annual tribute of one thousand talents of silver, and five hundred young eunuchs.—*Her. Thalia.* 92.

§ From Tyburn turnpike to the Regent's Canal at the eastern extremity of Whitechapel, is upwards of six miles; from the northern side of

Then, with respect to the kind of houses—From Herodotus' specifying that there were many of three and four stories high, it is obvious, that by far the greater number were of one or two. No man, describing London or Paris, would say they abounded with houses of three and four stories, when in fact they contain nothing else; besides, in almost all Eastern cities, the houses seldom exceed two stories in height. If the houses of Babylon were in general low, and in the form of courts, it would not only account for the great space of ground required, but also for their speedy decay, as mud and sun-dried bricks, although sufficient for houses of that description, would immediately fall to pieces when uninhabited and exposed to the action of the weather,* and the inundations, which were the consequences of the Euphrates overflowing its banks. The same causes would also account for the total disappearance of the walls. Whatever may have been their original height, we know that in Strabo's time they did not exceed fifty cubits, or seventy-five feet. The great reduction which they underwent from the time of Herodotus, inclines us to believe that the brick-work was not carried to the top, but that the wall was a breast-work of earth, with a casing or retaining wall of brick at its base. When the wall was reduced by Xerxes, the first operation would be to remove the brick facing, and the earth, having then lost its support, would gradually crumble down, till exposure to the rains would in process of time reduce the mound to the level of the desert. Certain it is, that no traces of the wall have been found by any traveller in that country; and equally certain is it, that the walls of Nineveh, four hundred and eighty stadia† in extent, and one hundred feet high, according to Diodorus, are now levelled with the ground, and no vestige of them can be discovered.

One word upon the number of inhabitants—Major Rennell thinks the authorities carry them beyond two millions, which he thinks incredible. Now, to say nothing of the number of inhabitants in China—seventy millions in two provinces alone—we learn from the Bible,‡ and from all ancient records, that the countries of the East were formerly very thickly peopled.§

Pentonville to Walworth, between five and six; nearly the whole of this oblong area is *closely built upon.*

* 'Bussorah,' (says Cunningham, who visited it in 1785,) 'is built of 'sun-dried bricks, so that after heavy rain the falling of the houses into 'the streets *is no unusual sight.* Bussorah has corn fields, date groves and 'gardens within its walls, and *nearly half the area is built upon.*'—P. 345.

† Diodorus, lib. ii. c. 1. ‡ Jonah, iv. 11.

§ See Wallace's Dissertation on the Numbers of Mankind, p. 324.

While it appears, therefore, that two millions is by no means so vast as to be incredible, we are inclined to believe that the inhabitants of Babylon, in its most populous time, fell short of that number. From what Strabo says of that city, when comparing it with Seleucia, the greater part was in his time a desert, and Seleucia was larger than what remained of Babylon. Now, seventy years after Strabo wrote, Pliny describes Seleucia as a very large city, containing six hundred thousand inhabitants.‡ But Seleucia was at this time rapidly decreasing, from Ctesiphon having become the winter residence of the Parthian kings; and therefore when it contained six hundred thousand inhabitants, it was probably *considerably less* than one-half of Babylon in its original state, which would make the population of Babylon under two millions.

The destruction of Babylon has been referred to the migration of its inhabitants to Seleucia, about three hundred years before Christ. How long it survived the establishment of that colony, does not appear; all we know is, that in the time of Diodorus, the greater portion of its area was ploughed up; and St Jerome, in the fourth century, describes it as a hunting-park of the Parthian kings. After the destruction of the walls and the inferior houses which first fell into decay, the desolation of Babylon appears to have been rapidly completed, and nothing remained but such buildings as, from their size and the solidity of their structure, were likely to resist the hand of the destroyer, and to pass down through succeeding ages, the impaired, but still visible monuments of former greatness. The appearance presented by those remains—the situation they occupy in the country of Babylonia, and their probable identity with the most remarkable buildings of Ancient Babylon, form the second branch of our inquiry.

The very vague and imperfect description given by all writers and travellers who have visited that part of Syria, from the time of St Jerome to the present century, induces us to pass by every account of the ruins of Babylon which has preceded that contained in Mr Rich's first Memoir. We shall therefore take our details from that, and from the no less excellent remarks which are the subject of his second Memoir, as our ground-work, merely using the accounts given by other authors as illustrations to supply what may be wanting.

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* See our remarks upon Seleucia, in the article in our last Number upon Major Keppel's Travels, p. 377.

Upon the western bank of the Euphrates, in latitude 32°, 28′, stands the town of Hillah, enclosed within a mud wall, and known to have been built in the twelfth century, out of the ruins of some more ancient city. It is 48 miles to the south of Bagdad, 35 south-east of the Nahr-Malcha at its junction with the Tigris, which is the site of Seleucia, and 130 south-west from Hit, a town on the Euphrates. The country, for miles around, is a perfectly flat and uncultivated waste; but traversed, in different directions, by what appear to be the remains of canals, and by mounds of great magnitude, most of which, upon excavating, are found to contain bricks, some of which are sun-dried, others furnace-baked, and stamped with inscriptions in a very peculiar, but unknown character. The whole of the country seems well adapted for a brick-field. 'The soil of the plains of ancient Assyria 'and Babylonia,' says Major Keppel, i. 118, 'consists of a fine 'clay, mixed with sand, with which, as the waters of the river 'retire, the shores are covered; this compost, when dried by 'the heat of the sun, becomes a hard and solid mass, and forms 'the finest material for the beautiful bricks for which Babylon 'was celebrated. We all put to the test the adaptation of this 'mud for pottery, by taking some of it while wet, from the bank 'of the river, and then moulding it into any form we pleased; 'having been exposed to the sun for half an hour, it became as 'hard as stone.' Of such bricks is the town of Hillah built; but there are also to be found in many of its buildings, vast quantities of bricks of a much more ancient appearance, stamped with those characters which learned men have ascribed to the Chaldeans, and supposed to represent astronomical observations, and which, found in Assyria, can only be ascribed to Babylonian origin.*

The geographical position of Hillah, then, fixes it as standing upon a portion of the site of ancient Babylon. It perfectly agrees in its distance from Hit, or Is, and Seleucia; and, at this day, the surrounding country is called by the Arabs, *El Aredh Babel*—'the land of Babel.' The land in the neighbourhood, which is in cultivation, is extremely fertile, producing great quantities of rice, dates, and grain. This fertility is caused by irrigation from the Euphrates, which here flows at from two

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* Calisthenes, who went with Alexander into the East, sent to Aristotle, from Babylon, astronomical observations which he found *upon baked bricks*, and which went back to one hundred and fifteen years after the flood. See also Pliny on the inscriptions upon the Babylonian bricks. *Hist. Nat.* vii. c. 56.

to two and a half miles an hour, and varies in breadth from 450 to 500 feet.

At the town of Hillah itself, there are no ruins; the nearest commence about two miles to the north, and are found altogether upon the eastern side of the river, at no great distance from its bank. The first of these remains consists of a vast mound of earth, formed apparently by the decomposition of sun-dried bricks, channelled and furrowed by the weather, and having the surface strewed with pieces of brick, bitumen, and pottery. This mound is three thousand three hundred feet long, by two thousand four hundred feet broad, at its base, being curved at the south side into the figure of a quadrant. The height is sixty feet at the highest part. The name given to this ruin by the natives is *Amran*. On the northern side of this mound, a valley extends about one-third of a mile in length, covered with tufts of grass, and crossed by a line of ruins of small elevation; at the north extremity of which stands the next mound, which is a square of two thousand one hundred feet, having its south-west angle connected with the north-west angle of the mound Amran, by a ridge of considerable height, and three hundred feet broad. The building, of which this second mound is the ruin, appears to have been highly finished, for the bricks are of the finest description, and are still found in great abundance, notwithstanding the quantities that have been taken away,—Hillah probably having been supplied from thence. In all the excavations which have been made here, furnace-baked bricks, laid in fine lime mortar, have been found; also, *coloured tiles*, and fragments of alabaster vessels.

Two hundred yards to the north of this ruin is a ravine, hollowed out by brick-searchers, about three hundred feet long, ninety wide, and one hundred and twenty deep. On one side a few yards of wall are laid bare, extremely clean and well-built, and apparently the front of a building. At the southern end, an opening leads to a subterranean passage, floored and walled with large bricks, *laid in bitumen*, and roofed with single slabs of sand-stone, three feet thick, and from eight to twelve long.* In this passage was found a colossal piece of sculpture,

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* It is probable that this mode of roofing is what Strabo means, when he tells us the hanging-gardens were supported by *vaulted* roofs, (lib. xvi.) and which also may explain the *arched* passages mentioned by Diodorus. It is this which has misled Dutens, who, in his learned work, refers to the buildings at Babylon, as a proof of the antiquity of the arch.—*Recherches sur le Tems le plus reculé de l'usage des Voutes, chez les anciens. Par*

in black marble, representing a lion standing over a man. This is described by Major Keppel, (vol. i. p. 214,) who supposes it may have had reference to Daniel in the lion's den. The quadrangular mound we have last described, is called by the natives *El Kasr*,—'the palace.' The walls are eight feet thick, ornamented with niches, and strengthened by pilasters and buttresses, all built of fine brick, laid in lime cement of such tenacity, that they cannot be separated without breaking; hence it is, that so much of it remains perfect. One part of the wall has been split into three parts, and overthrown as if by an earthquake. Near this ruin is a heap of rubbish, like bricks in a state of decomposition, the sides of which are streaked by the different colours of its materials. At a short distance to the north-east, stands the famous tree, called by the natives *Athelè*, and supposed to have flourished in the hanging-gardens of Babylon. It is an evergreen of the lignum vitæ species. The Kasr, and the mound on which the tree stands, are separated from the river by a narrow valley, about a hundred yards in width, along the western side of which extends an embankment, the side next the river being abrupt, and much shivered by the action of the water, which seems to have encroached here, judging from the number of burnt bricks found in its bed. This appears to us to have probably been a part of the embankment described by Herodotus.

A mile to the north of the Kasr, and nine hundred and fifty yards from the side of the river, stands the most remarkable ruin of the eastern division. It is called by the Arabs Makloubè, or Mujillebé, which signifies 'overturned.' It was visited, in 1616, by Pietro della Vallé, who immediately pronounced it to be the Tower of Babel; an error which subsequent travellers have confirmed. Its form is oblong, being 600 feet by 540 at the base; its height at the point of greatest elevation is 141 feet. Pietro della Vallé describes it as 200 feet high, and 2600 round the base, which, if correct, shows how much a Babylonian ruin, from its nature, will decay in two centuries. This mound is a solid mass. The greatest appearance of building is on the western side; near the summit there is a low wall, built of sun-burnt bricks, laid in clay mortar of great thickness, having a layer of reeds between every layer of bricks. On the north side are vestiges of a similar wall. The south-west angle,

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M. L. Dutens. 4*to*, 1805. There is every reason to believe that the arch was unknown to the ancients, before the time of Alexander the Great.

which is the highest point, terminates in a turret. Vast numbers of entire furnace-baked bricks are found on the summit, fourteen inches square, and three inches thick, many of which are inscribed with the unknown characters resembling arrow heads, which we have already alluded to. From the mode in which those bricks are found, it appears that the interior had been built of sun-dried bricks, and the outer surface coated with bricks burnt in the furnace. 'This mound,' says Major Keppel, 'was full of large holes; we entered some of them, and 'found them strewed with the carcasses and skeletons of animals 'recently killed. The ordure of wild beasts was so strong, that 'prudence got the better of curiosity, for we had no doubt as to 'the savage nature of the inhabitants. Our guides indeed told 'us, that all the ruins abounded in lions and other wild beasts.' —Vol. i. p. 185.

All the faces of the Mujillebé are worn into furrows by rain, penetrating in some places to a great depth into the mound; among the rubbish on the top, is found, besides the burnt bricks above-mentioned, fragments of pottery, bitumen, vitrified brick, bits of glass, and mother-of-pearl. On the northern side, and near the top, there is an aperture leading to a passage which Mr Rich employed twelve men to clear out. They began from above, and working downwards, first laid open a hollow pier, sixty feet square, filled with earth, and lined with fine bricks laid in bitumen. In clearing this out, he found a brass spike, some earthen vessels, and a beam of date-tree wood; continuing the work downwards, they arrived at the passage, which was about ten feet high, flat at the top, and built of unburnt bricks, laid with a layer of reeds between every course, except the two lowest, which were cemented with bitumen; the whole was lined with a facing of fine burnt bricks laid in bitumen, so as completely to conceal the unburnt bricks of which the body of the building was composed. In this passage, which extended east and west, along the northern front of the Mujillebé, Mr Rich found a wooden coffin, containing a skeleton in perfect preservation; under the head was placed a round pebble, and a brass ornament was attached to the skeleton; another brass ornament, representing a bird, was fixed on the outside of the coffin. A little further on, the skeleton of a child was found.

At the foot of the Mujillebé, and about seventy yards distant, are traces on the north and west sides, of a low mound of earth, which probably formed an enclosure round the whole. From the south-east angle of the Mujillebé, a mound extends in a circular direction, and joins the mound Amran at its south-east angle, the diameter of the sweep being two miles and a half. It

is extremely probable that this mound is the fortified enclosure, described by Herodotus as encircling the great palace. There are no ruins of any importance to the north of the Mujillebé. A few low mounds are observed occurring at intervals on each side of the road from Bagdad to Hillah, but they are too insignificant to attract notice; from their situation, they are more likely to have been burying-places outside the city, than buildings within its walls.

It is impossible, we think, to doubt that the ruins we have described, upon the eastern bank of the Euphrates, are the remains of Babylonian buildings of very considerable importance.

'They are all,' says Mr Rich, 'of one character, and must be received altogether as a part of Babylon, or wholly rejected without reserve; and I must here state what seems to me to be the best evidence for their antiquity, independent of their appearance, dimensions, and correspondence with the descriptions of the ancients. The burnt bricks, of which the ruins are principally composed, and which have inscriptions on them in the cuneiform character only found in Babylon and Persepolis, are all invariably placed in a similar manner, namely, with their faces or written sides downwards. This argues some design in placing them, though what that might have been, it is now impossible to say. It, however, proves sufficiently that the buildings must have been erected when the bricks were made, and the very ancient and peculiar form of characters on them in use. When these bricks are found in more modern constructions, as in Bagdad and Hillah, they are of course placed indifferently, without regard to the writing upon them. In the greatest depth in the excavations at the Kasr, at the subterraneous passage, or canal, I myself found small pieces of baked clay, covered with cuneiform writing, and sometimes with figures indisputably Babylonian. Had the ruins been more recent than is here presumed, these inscriptions would not have been found in this order and manner, and we should in all probability have found others in the character or language then in use. Thus had the town been Mahometan or Christian, we might reasonably expect to meet with fragments of Coufic or Stranghelo. There is another equally remarkable circumstance in these ruins, and which is almost conclusive with respect to their antiquity. In the very heart of the mound, called the Kasr, and also in the ruins on the banks of the river, which have been crumbled or shivered by the action of the water, I saw earthen urns filled with ashes, with some small fragments of bone in them; and in the northern face of the Mujillebé, I discovered a gallery filled with skeletons, enclosed in wooden coffins. Of the high antiquity of the sepulchral urns no one will for an instant doubt; and that of the skeletons is sufficiently ascertained, both from the mode of burial, which has never been practised in this country since the introduction of Islam, and still more by a curious brass ornament which I found in one of the coffins. These discoveries are of the most interesting nature; and though it is certainly difficult to reconcile them with any theory of these ruins, yet in themselves they sufficiently establish their antiquity. *The two separate modes of burial,* too, are highly worthy of attention. There is, I believe, no reason to suppose,

that the Babylonians burned their dead; the old Persians we know never did. It is not impossible, that the difference may indicate the several usages of the Babylonians and Greeks, and that the urns may contain the ashes of the soldiers of Alexander and of his successors.'—*2d Memoir*, pp. 27–29.

It appears to us, that the circumstance of the coffins, although of itself insufficient to fix the building with the character of a Babylonian sepulchre, is quite sufficient to stamp it as of a date antecedent to the Greeks and Mahometans. The Jews, from the earliest accounts we have of them, had graves both in the town and country—the general custom being to inter the dead outside the city, Gen. xxiii. 3—13. They seem also to have embalmed their dead, and put them in coffins;—thus Joseph's body was embalmed, and put into a coffin in Egypt, and was brought away by the Israelites when they quitted that country, and buried in Shechem, in ground bought by Jacob, Gen. l. 25., Joshua, xxiv. 32; and although we have no direct proof that the Babylonians used a similar mode of interment, yet the form of the building, the materials of which it was constructed, the manner of construction, and the situations in which the coffins were found,—to all appearance originally intended as a receptacle for them,—strongly favour the idea, that the Mujillebé was a Babylonian structure, and that it was a mausoleum, rather than a temple of worship. As to the other ruins, it is most probable that the Kasr and adjacent mounds are the remains of the royal Palace with its hanging gardens—enclosed within the circular mound, which formed the outer wall of the palace mentioned by Herodotus, and described more in detail by Diodorus. The extreme fineness of the brick work, remarked by all modern travellers who have visited the Kasr, the painted tiles, and the general character and position of the ruins, render this so probable, that we can have no hesitation in agreeing with Mr Rich,—especially in the absence of any other ruin of importance,—that the remains in question represent the whole of the royal precincts, the fortified enclosure, the buildings of various kinds connected with the palace, and the hanging gardens.

Before we take leave of the eastern bank of the Euphrates, we may advert to some considerable remains which are found at distances of two and three miles and upwards from the river. Mr Rich has said nothing of these, or, where he mentions them, treats them all as remains of canals. Mr Buckingham, however, traversed the plain in several directions on the eastern side, and had opportunities of observing the character of these remains more closely; and he is of opinion that these ruins—having the appearance of long mounds which cross the plain, some from north to south, others from east to west—are not the beds of canals,

as has been commonly supposed. His idea is, that although some of those mounds might have been remains of channels by which the more distant parts of the city received the waters of the Euphrates, yet by far the greater number are the ruins of *streets*—and his reasons for this supposition are plausible enough. Their appearance is that of masses of ruined buildings originally disposed in streets, which *crossed each other* at right angles (a thing inconceivable for canals) with immense spaces of open and level ground on each side of them—'the more distant and prominent of these 'presented many proofs of their having been such; because the 'heaps which were always double, or in parallel lines, were 'much higher and wider on each side than they could have been 'if formed only by the earth thrown up from the excavated hol-'low, each being wider than the space intervening between 'them, which varied from fifteen to thirty feet,—and each ex-'ceeding twenty feet in height, while the level of the central 'space (the supposed bed of the canal) was itself higher than 'the surrounding soil, and the mounds were intersected by cross 'passages, in such a manner as to place beyond a doubt the fact 'of their being rows of houses or streets fallen to decay. There 'were also in some places two hollow channels, and three 'mounds, running parallel to each other for a considerable dis-'tance, the central mound being in such cases a broader and 'flatter mass than the other two, as if there had been two streets 'going parallel to each other, the central range of houses which 'divided them being twice the size of the others, from their 'double residences, with a front and door of entrance to face 'each avenue. The same peculiarities of level, size, and direc-'tion, were observed here as in other parts of the ruins nearer 'the river; and all these could be easily reconciled to the sup-'position of being remains of streets and houses, but could not 'have belonged to canals; independently of their number and 'direction rendering it highly improbable that they were ever 'used as such.'—Buckingham, vol. ii. pp. 298, 299. Upon this hypothesis, we do not offer any opinion, as nothing can be decided, without knowing of what materials the mounds are composed.

There is another conjecture which Mr Buckingham throws out, that appears to us extremely probable. It is, that the circular mound which extends from the Mujillebé to the southern extremity of the palace, enclosing an area of two miles and a half in diameter, is the same which St Jerome describes as the *wall of the city*. It is much more likely that this wall, which was probably perfect fifteen centuries ago, should have been the boundary of the *park* in which the Parthian kings hunted, than the city wall of forty-four miles in extent.

We come now to the ruins on the west of the Euphrates. This side is flat like the eastern bank, and like it, is intersected by canals and mounds. Near the river there are no remains, except two mounds, each about three hundred feet in extent, and lying opposite the ruins of the palace. Mr Rich describes them as overgrown with grass, and of no importance—but he does not appear to have examined them, so as to ascertain whether burnt bricks enter into their composition. Many parts of the plain exhibit appearances of saline incrustment, usually found where buildings have formerly stood. (See Sir R. K. Porter's Travels in Babylonia, ii. 307.) But with the exception of some broken mounds, which may be either the remains of canals or of streets, there is nothing worthy of remark, until we arrive at the mightiest ruin of all,—the Tower of Babel, or Temple of Belus—and called at this day the Birs Nemroud,* after the name of the supposed founder.

This ruin is situated at between five and six miles to the south-west of Hillah. Its shape is oblong, having the appearance of a fallen or decayed pyramid, the sides facing the cardinal points; —it is two thousand two hundred and eighty-six feet in compass at the base—and, on the west side, it rises conically to the height of one hundred and ninety-eight feet. This, which is the highest part of the *mound*, is surmounted by a pile of solid brick-work, apparently the angle of a stage of the building, which extended over the whole summit. Very near the tower, and parallel with its eastern face, is an oblong mound, about as high as the Kasr. A quadrangular enclosure, now broken into hillocks, may be traced round the whole, containing an area of very considerable extent. Neither Mr Rich, nor the other travellers, give the dimensions of this mound, or of the building which is contiguous to the tower. There can be little doubt, however, that it is the outer enclosure mentioned by Herodotus. The whole mound is channelled by rain, and strewed with huge masses of brick-work, —some of which are burnt quite black,—pieces of marble, and broken layers of furnace-baked bricks.

Beginning with the eastern face,—which is about five hundred feet in extent,—two stages of building are visible. The lowest is sixty feet high, and is broken in the middle by a deep ravine, and intersected on all sides by channels made by the winter rains. The summit of this first stage is no longer flat, its margin having crumbled down, so as to give this side the appearance of a cone. The second stage rises above the first, also

* 'Byrsam, (quod est בצרה, munitio) arcem,' &c. Perizonius, 151.

in a conical form, but much more steep, the summit being marked by a perpendicular fragment of brick-work; which is probably the base of the third stage. The height of the second stage is not given either by Rich or Porter. Throughout the whole of the eastern face, which presents the appearance of decomposed brick, layers of unburnt brick are visible—but there is no appearance of reeds.

On the western side, the entire mass rises at once from the plain like a vast pyramid—the face being broken in different directions, partly by the torrents, and partly by what seems to have been some convulsion of nature. The appearance of successive stages is less apparent on this side, probably, as Mr Rich conjectures, from the effect of the winds from the desert, which prevail from this point of the compass. At the foot of the northern side, vast masses of firm and solid brick-work are scattered over the rubbish, evidently fragments of the original facing of the lower stages of the tower.

The southern side is the most perfect. At the base, there is a step, scarcely elevated above the plain, projecting by several feet beyond the true base of the building—somewhat, as we conceive, after the manner of the Stylobate in a Grecian temple. Within this, the tower itself rises by high *and distinct stages, receding one within another*, in proportion to their respective elevations. The lowest is built of sun-dried bricks and cemented with bitumen, but without reeds—the whole being faced with furnace-baked bricks, also laid in bitumen. The second stage recedes within the first, in proportion to the height of the first from the ground, and showing its termination at the eastern extremity, by an angle of burnt brick-work. Above this rises a third stage, receding in the same proportion as the second recedes within the first. The fourth, or highest stage, is marked by the brick wall already mentioned, which stands on the edge of the western summit, thirty-seven feet high from its base, twenty-eight feet long, and fifteen feet thick. Its upper edges are broken and irregular, showing that the top of the building did not terminate here. It is rent from the top, nearly half way to the bottom, unquestionably by some great convulsion of nature: on the north and south sides, the walls are broken down—on the east, the fallen masses which composed the wall, forming the south-east angle, still remain, bedded in the rubbish at the foot of the wall. On its south and west sides, lay several immense masses of firm brick work—some entirely changed to a state of the hardest vitrification, others only partially so—exhibiting that variegated hue seen in vitrified matter lying about a glass manufactory. The base of the standing wall, contiguous to those

substances, is totally free from any similar change, and is evidently quite in its original state. Hence, the vitrified masses must have fallen from some higher stage, having been displaced by the action of fire from above. The furnace-baked bricks, used in the upper part of the pile, are *very thin*, and of the finest texture—lower down on the northern face, they are a foot square by three inches and a quarter thick, of a pale red colour, and laid in lime cement one quarter of an inch thick. Lower down still, the bricks are twelve inches long, and three quarters square, by four and a quarter thick—are of a coarser texture, and laid in lime cement one inch thick. In the upper parts of the building, there are no traces of bitumen—whereas, towards the foundations, and in the large brick ruins, at the base of the tower, it is found to be the only cement used;* thus confirming, in the strongest manner, the reading we have given of the passage in Herodotus, 'διὰ τριηκοντα δόμων πλινθου,' &c.

'The masonry,' says Mr Rich, speaking of the upper part of the pile, 'is infinitely superior to any thing of the kind I have ever seen; and leaving out of the question any conjecture relative to the original destination of this ruin, the impression made by a sight of it, is, that it was a solid pile, composed in the interior of sun-burnt brick, and perhaps of earth or rubbish; that it was constructed in receding stages, and faced with fine burnt bricks having inscriptions on them, laid in a very thin layer of lime cement; and that it was reduced by violence to its present ruinous condition. The upper stories have been forcibly broken down, and fire has been employed as an instrument of destruction, though it is not easy to say precisely how or why. The facing of fine bricks has been partly removed, and partly covered by the falling down of the mass which it supported and kept together. I speak with greater confidence of the different stages of this pile, from my own observations having been recently confirmed and extended by an intelligent traveller, (Mr Buckingham,) who is of opinion that the traces of *four* stages are clearly discernible.'—*Second Memoir*, p. 33.

The circumstance of the different stages, is also abundantly corroborated, both by Sir R. K. Porter and Major Keppel.

Here then is a ruin, corresponding in a most surprising degree with the Tower of Belus, as described by Herodotus. The total circumference of the base is two thousand two hundred and eighty-six feet, instead of nineteen hundred and sixty, the square of a stadium. The east and west sides remain of the original breadth nearly, (460 feet according to Porter,)—and a greater portion of rubbish from the top having crumbled down upon

* Travels in Babylonia, by Sir Robert Ker Porter, ii. 308, et seq. Buckingham, vol. ii. Keppel, i. 107, et seq.

their sides, the north and south are thereby elongated; the present height of the ruin, to the top of the wall, is two hundred and thirty-five feet—less than one-half the original height—consequently the *débris* round the base might be expected to be much more considerable, so as to make the circumference of the base greater than it appears to be. But it must be remembered, that Alexander the Great, when he took possession of Babylon, after the defeat of Darius, employed ten thousand men for two months, in removing the rubbish, preparatory to repairing the tower;* it is probable they had only cleared the south side, before the work was abandoned; which would account for the south face being more perfect than any of the others. If we add to this, that vast quantities of the bricks have been taken away by the natives of the country, for building modern towns, the circumstance that the base so little exceeds the dimensions given by Herodotus, will no longer appear unaccountable.

To the top of the third stage is one hundred and ninety-eight feet; consequently the height of sixty feet given by Porter to the lowest stage, is either erroneous, or the top of the first stage is lower than in its original state, owing to the decay of the material. If we take the height of the lowest stage at seventy feet, and diminish each successive stage, making the fourth sixty, and the eighth fifty-two, we shall have the height to the summit of the third stage equal to two hundred feet, to the fourth two hundred and sixty, (that is, twenty-five feet higher than the ruin as it now exists,) and the total height of the tower four hundred and eighty feet. Not only do the dimensions agree, but the mode of building is precisely that described by Herodotus; for there can be little doubt that the Babylonians constructed all their great buildings upon a similar plan; accordingly, we find here that bitumen is used only in the foundation and lowest stage of the building. In addition to this, there are the remains of the temple inhabited by the priests, and adjoining the tower, and of the enclosing mound which encircles the whole; and yet, notwithstanding all these coincidences; notwithstanding the minute description given by Mr Rich, from ocular inspection; notwithstanding the singular appearance exhibited by this most remarkable building, Major Rennell, upon his own authority, because its situation does not happen to suit his preconceived ideas of the extent and position of Babylon, or that he may confirm a crotchet he has taken up, that the Temple of

* Justin. iii. c. 16.

Belus was in the eastern quarter of Babylon, absolutely rejects this ruin, and treats it as a *natural* hill, having a brick tower on its summit! The only shadow of a reason that can be found for placing the Temple of Belus on the eastern side of the river, is, that, according to Diodorus, one of the gates of the city, called the *Belidean* gate, was in the east wall; and that when Darius Hystaspes besieged Babylon, the Belidean and Cissian gates were opened to him by Zopyrus, and the inhabitants fled to the temple for refuge. Now the Cissian, or Susian gate, must have been on the east side, because Susa, to which it led, lay to the east of Babylon, which fixes the position of the Belidean gate, as they were probably not far distant from each other. But then it is the most gratuitous assumption imaginable, to argue, that because the *Belidean Gate* was on the east side, the *Temple of Belus* was in that quarter also. There is not even any proof that the inhabitants took refuge in the Temple of Belus; they may have fled to the Mujillebé, or to any other sanctuary in the eastern quarter, for it will scarcely be contended that the Temple of Belus was the *only* place of worship in Babylon; in fact, a position so hypothetical, supported, too, only by the hearsay testimony of Diodorus, cannot be sustained for a moment against the clear conviction established by the actual appearance of the ruins we have described.

'If any building,' says Mr Rich, 'may be supposed to have left considerable traces, it is certainly the Pyramid or Tower of Belus, which, by its form, dimensions, and the solidity of its construction, was well calculated to resist the ravages of time; and if human force had not been employed, would, in all probability, have remained to the present day, in nearly as perfect a state as the Pyramids of Egypt. Even under the dilapidation which we know it to have undergone, at a very early period, we might reasonably look for traces of it after every other vestige of Babylon had vanished from the face of the earth. When, therefore, we see, within a short distance from the spot fixed on, both by geographers and antiquarians, and the tradition of the country, to be the site of ancient Babylon, a stupendous pile, which appears to have been built in receding stages, which bears the most indisputable traces both of the violence of man and the lapse of ages, and yet continues to tower over the desert, the wonder of successive generations; it is impossible that this perfect correspondence with all the accounts of the Tower of Belus, should not strike the most careless observer, and induce him to attempt clearing away the difficulties which have been suggested by Major Rennell against its reception within the limits of Babylon. I am of opinion, *that this ruin is of a nature to fix of itself the locality of Babylon, even to the exclusion of those on the eastern side of the river;* and if the ancients had actually assigned a position to the Tower, irreconcilable with the Birs, it would be more reasonable to suppose that some error had crept into their accounts, than to reject this most remarkable of all the ruins.'—*Second Memoir*, pp. 31, 32.

But there are no such inconsistencies in the description given by the ancients; for not one of them states its position to have been in the eastern quarter; and such a supposition rests only upon the authority we have already cited,—that the *Belidean gate* lay to the east of the Euphrates. On the other hand, if we suppose the mound of the Kasr to have been the royal palace, we have then the direct authority of Herodotus for placing the Temple of Belus on the opposite side of the river, that is, in the western quarter. We have only to apply the dimensions assigned by Herodotus to Babylon, and both the Birs Nemroud, and the ruins on the eastern bank, will come within its limits, and hold their proper positions in their respective quarters.

The diagonal of a square whose side somewhat exceeds eleven miles, will be found to be sixteen miles nearly. Now, the Birs Nemroud lies south-west from the Kasr; hence, if the line which joins those ruins be the diagonal of a square described round the remains of Babylon, the sides of that square will face the cardinal points. The distance from the Birs to the Kasr is seven miles, in a direct line; consequently, if each of those buildings be placed at the distance of three miles and a half from the centre of the diagonal, the Kasr will be four miles and a half from the north-east angle of the city wall, and the Birs the same distance from its south-west angle. If the interior wall enclosed an area two miles less all round, according to Curtius, then the Birs and Kasr would be two miles and a half distant from the angles of the interior wall nearest to each of them respectively. In either case, these buildings would occupy situations sufficiently central to agree with the description of Herodotus. It must be remarked, that by this position of the walls, the river does not *bisect* the city, but divides it in the proportion of eleven to five. If a position be given to the walls, so as to make the river bisect the area, by moving the walls two miles and a half to the east, then the Birs would be about two miles distant from the nearest point of the west wall, and upwards of three from the south-west angle. Again, if the river be made the diagonal of the square, so that the angles of the wall should point north and south, we should find the Kasr nearly four miles from the northern, and the Birs three from the western angle of the city wall. Thus, whichever position of the walls we adopt, (and we incline to the first, seeing that there is no absolute necessity for making the river *bisect* the city,) the two buildings which are found to be the most remarkable now existing in Babylonia, will occupy situations so much *within* the boundary of the walls, as to be perfectly reconcilable with the account of Herodotus, and so as to identify, in the

most satisfactory manner, not only the Kasr and the Birs Nemroud, with the Royal Palace and Temple of Belus, selected by Herodotus as the two structures in Babylon most worthy of observation, but also to establish that the remains now existing upon the river Euphrates, to the distance of four miles to the north, and of five miles to the south-west, of the town of Hillah, are beyond dispute the ruins of ancient Babylon.

The length to which this article has unavoidably extended, to say nothing of the dryness of the subject, is a very sufficient reason for here closing our remarks; but we cannot dismiss this subject without correcting a remarkable error which Mr Buckingham has indulged in, namely, that he discovered *the wall of Babylon*,* existing in a certain ruin about ten miles to the east of Hillah, known by the name of *Al Hheimar*. He saw it but 'for a few minutes,' and describes it as a high mound of loose rubbish, extremely steep, having the appearance of a pyramidal cone, whose summit was crowned by a long and low piece of thick wall, like a battlement. The rubbish below consisted of burnt brick, and the outline of the whole mass formed nearly an equilateral triangle. It would certainly require some ingenuity to prove that this must have been a part of the ancient wall of Babylon: and the more deliberate observations

* Few subjects have occasioned more astonishment to the learned as well as to the unlearned, than the prodigious size and extent of the wall of Babylon, as a work of human hands; and 'its total annihilation, leaving not a wreck behind.' As to the latter, we can offer no other explanation than what we have already attempted in the former part of this article. With respect to the former,—the magnitude of the work,—it really does not appear to us to be so enormous as to be incredible, or even improbable. Let us compare it with the great wall of China, built by the Emperor Tsin-chi-Hoang-Ti, solely for the purpose of keeping the Tartars out of China. It is called by the Chinese Ouan-li-chang-tching; that is, 'the great wall of ten thousand *ly*.' A *ly* is calculated by D'Anville at one twentieth of a league, so that the extent of the wall was *five hundred leagues*. Its height was twenty-five feet, according to some writers, six toises, according to others. The base was built of large blocks of stone. The upper parts of brick and cement; the breadth sufficient for six horses to be driven abreast upon it. It was carried in some places, over mountains almost inaccessible. In one place, Verbiest found its elevation a thousand and thirty-seven 'pas géométriques' above the sea. It was defended throughout its whole length by a chain of forts, in which were lodged a million of soldiers. It is now very much in ruins. See Histoire Générale de la Chine; traduite du Tong-kian-kang-mon. By de Mailla. Paris, 1777. A work like this, begun and finished in the reign of one emperor, beats the wall of Babylon all to nothing.

of Sir R. Ker Porter have completely dispelled this vision of Mr Buckingham. In point of fact, Al Hheimar is a square, or rather oblong pile, (not *triangular*, as Mr Buckingham says,) about one hundred and fifty feet long, by one hundred and ten broad. Its sides face the cardinal points. The bricks of which it has been built are fourteen inches long, twelve and three-quarters broad, and two and a half thick; they are, in general, without inscriptions, and are laid in clay cement. Sir R. K. Porter found *one* brick only, with characters upon it, but somewhat different from the cuneiform figures upon the Babylonian bricks. It is, in short, a perfect and *insulated* building, without a trace of having been extended on any side, and probably was either a tomb, or a temple, like the Barsita of Ptolemy, or Borsippa of Strabo. In fact, the whole country abounds with ruins of this description, which, although Babylonian in their general character, do not by any means necessarily belong to the *city* of Babylon. Thus, there is the Nebbi Eyoub, 'the tomb of Job,' near the Euphrates, and three leagues to the south of Hillah. Near it are two mounds, called El Mokhatat and El Adouar, one league further south; and at some distance from the bank of the river, there is a considerable ruin, which Mr Rich calls Boursa, and conjectures to have been Barsita, or Borsippa. Ten miles north-west of Bagdad is found a great mass of unburnt bricks, with layers of reeds between every fifth and sixth course. The circumference of the base is three hundred feet, and its height one hundred and twenty-six. It is called Akerkouf, and has the remains of smaller buildings near it, like the temple at the Tower of Babel. Any one of these ruins might, with as great propriety, be called remains of Babylon, or of the wall of Babylon, as Al Hheimar.

There is another subject connected with Babylon, upon which much curious matter might be collected; we mean, the cylinders of agate, cornelian, chalcedony, and other hard stones, which have been at different times disinterred among the ruins of Babylon, in great numbers, having engraven upon them singular devices, apparently astronomical; an inquiry into which, illustrated by the Bible and other ancient records, might tend much to the elucidation of the astrological studies of the Chaldeans, and might even throw some light upon the cuneiform characters inscribed upon the Babylonian bricks. This is not, however, an inquiry fit to be discussed at the end of a long article; but we hope, at some future period, to recur to it.

ART. IX.—*Proceedings of the Expedition to explore the Northern Coast of Africa, from Tripoly eastward, in* 1821-22 ; *comprehending an Account of the Greater Syrtis and Cyrenaica, and of the ancient cities composing the Pentapolis.* By Captain F. W. BEECHEY, R.N. F.R.S., and H. W. BEECHEY, Esq. F.S.A. 4to. London, 1828.

Della Cella, *(Paolo,) Narrative of an Expedition from Tripoli to the Borders of Egypt in* 1817, *by the Bey of Tripoli.* From the Italian. 8vo. London.

Pacho (J. R.) Rapport des Commissaires nommés par la Commission centrale pour examiner les resultats de Voyage de M. Pacho dans la Cyrenaique.

—— *Notice sur la Cyrenaique, lué à la Societé de Geographie.*

—— *Relation d'un Voyage dans la Marmorique, la Cyrenaique, &c.* Ire Partie. Paris, 1827.

THOUGH we certainly know more of the globe than was known to any older people, it is remarkable that considerable portions of it that were familiar to other generations, have been shut, and lost, as it were, to us; and that some of the most interesting contributions which modern enterprise has made to geographical science, have been obtained by exploring regions long famous in story, and discovering anew the scenes of the most celebrated transactions. We have just been engaged in an attempt to verify the situation of Babylon and Nineveh,—an attempt founded on very recent and perilous excursions in the deserts which now stretch their unbroken gloom over regions which once swarmed with the vast population, and glittered with the unmeasured splendour, of the great Asiatic monarchies. It is not very long since the gigantic remains of Persepolis, Egyptian Thebes, and Palmyra, were restored to the wondering eyes of these later ages; and we still know but little of the cultivated regions which smiled under the rule of Carthage, and sent forth the colonists who civilized the barbarous shores of Spain, and the legions who disputed the empire of the world with the ambition of heroic Rome.

There is no portion, however, of the earth, which had fallen into such oblivion as that great range of coast which intervenes between Tripoli and Egypt, and extends to more than a third part of the length of the Mediterranean. Other regions have defied the efforts of modern enterprise; but this seems never to have excited them—an indifference which, whether we consider its ancient fame, or its proximity to countries of familiar resort, certainly does appear to us unaccountable. It was from this very

shore that the classic poets drew some of their most awful images, and some of their brightest illusions. The Syrtes, so terrible to mariners, the moving sands which buried the traveller, are contrasted in those legends with the fountain of Apollo, the hill of the Graces, and the Hesperian gardens, with their golden fruits and fabled guardian. But the chief present interest is derived from the magnificent monuments of one of the most flourishing of the many colonies which polished and prolific Greece scattered round the Mediterranean. Cyrene is a celebrated name in antiquity. Guarded, indeed, by nature with so many terrors, it came little into contact with the other great nations, and had little action on the destinies of the world. In the room of foreign conflict, however, it was shaken by a series of violent interior agitations, arising chiefly among the petty tyrants who held early sway over this as over the other Grecian states. Only the most bloody and desperate of these struggles have found their way into the Grecian annals, which, as M. Pacho justly complains, scarcely record any movements of the people, except those made for purposes of mutual slaughter. On the course of its peaceful policy, history observes a deep silence. Yet it undoubtedly shared in that brilliant career of art and civilization, which was run by its sister states. It even boasted a peculiar school of philosophy, known over the lettered world by the title of the Cyrenean; and marked by a tone of gay voluptuousness and sportive license, which seems to contrast strangely either with its wild and secluded position, or the sanguinary tumults, which have been exclusively recorded as its history. That a school, of which the heads were Aristippus and Carneades,—the gay and pliant courtier, who could assume at will every colour and every character—and the seducing sophist, whose conversation was dreaded as enough to sap all the sternness of Roman virtue—that these should have been bred on the sequestered shore of Cyrene, is an anomaly which could only be explained by documents which have probably for ever perished.

The Ptolemies, after obtaining dominion over Egypt, easily extended their sway to Cyrene, which, under their mild and enlightened administration, continued to flourish. Nor did it decline under the Roman yoke, notwithstanding violent disturbances raised by the Jews, who were established there in great numbers. It was under the Mahommedan rule, which has spread such a deep barbarism over the seats of ancient civilization, that Cyrene, which could not exist without some artificial support, sunk lower than all the others. Its fine valleys became the domain of the wandering Arabs, and only distinguished from the

surrounding desert, by maintaining a greater number of tents and herds.

Though travellers of more than one country have recently explored this interesting region, the only government which has taken any concern in the affair, was the British, which, with its usual zeal for geographical discovery, employed Captain Beechey, and his brother, an artist of great merit, to examine and delineate whatever appeared worthy of notice along the shores of the Syrtis and Cyrenaica; while Captain Smith attended with his vessel, to carry off whatever deserved and would admit of removal. This task was accomplished in 1821 and 1822, and its result is the volume now before us, in which the topography and antiquities of this interesting region appear to be described with care and accuracy. The relation, also, between its ancient and present state, is traced with considerable learning and some judgment. Della Cella, an Italian physician, had, some years before, followed the Bey of Tripoli in an expedition along this shore, and published observations, which are not devoid of interest, though, being the result of a very hasty survey, they have been in a great measure superseded by the more careful examinations since made. More recently, the Society formed at Paris for the promotion of Geography proposed, in 1824, a prize of 3000 francs to any traveller who should give the best account of the country called by the ancients Cyrenaica or Pentapolis. Before the end of the following year, M. Pacho presented himself to claim the prize; and his information and materials being submitted to a commission composed of Malte Brun, Barlicé de Bocage, and Joubert, were favourably reported on, and the prize adjudged to him. M. Pacho, however, has yet published only his first *livraison*, which does not extend beyond Marmorica; but the Report of the Commission, with a notice which, at their desire, he himself read before the Society, comprises a pretty complete outline of the information which he collected.

To understand the physical outline of Cyrenaica, we must consider Northern Africa generally as one huge plain of moving sand, extending several thousand miles in every direction. Two grand features alone break its vast and dreary uniformity. One is the Nile, which flows through the eastern quarter, and by the distribution of its waters, forms the habitable countries of Nubia and Egypt. The other is Atlas, that great mountain chain, which, with its branches, runs nearly parallel to the Mediterranean, and by the numerous streams which it pours down, creates the fertile plain of Barbary. About a thousand miles to the west of Egypt, the branches of Atlas sink into hillocks and disappear. Sand, consequently, seems to have regained an un-

disputed empire; but, in the middle of this waste, there rises, along the coast, a steep and high ridge, abounding in springs, which sprinkle the surrounding desert with valleys of the most brilliant verdure and fertility. This is Cyrenaica.

In endeavouring to embody the observations thus recently made on the North-African coast, we shall follow the tract of Captain Beechey, introducing such additions and illustrations as may be afforded by the other authorities.

After passing Taguira, in the vicinity of Tripoli, the traveller comes on a portion of that plain of sand which covers the great body of Northern Africa. For a few days, and while no fear is felt of a failure of water, there is something, it is said, rather pleasing and romantic in such a journey. The traveller enjoys the image of unbounded space, the deep stillness and solitude, and the interest excited by the smallest object which appears above its vast monotonous surface. Our travellers doubt, with Brown, whether this sand ever moves in such dense clouds or columns, as that caravans or armies could have been actually buried under it. It is merely supposed, that after perishing from thirst or other causes, the sand had gradually accumulated over them.

This, however, was not the termination of the fertile land of Barbary. A few days brought to their view the plain of Lebeda, 'than which a more beautiful scene can scarcely be witnessed. 'Thick groves of olive and date trees are seen rising above the 'villages which are scattered over its surface; and the interme-'diate spaces are either covered with the most luxuriant turf, or 'rich with abundant crops of grain.' It is considered much superior to the territory of Tripoli; and, accordingly, was more highly prized by the ancients. They built on it Leptis Magna, which ranked, among Phenician colonies, next to Carthage and Utica, and continued a handsome city to the latest period of the Roman sway. Its remains are described by Della Cella, as 'only a heap of shapeless ruins, half buried under the sand, which 'the wind and sea mutually strive to accumulate over them. 'They present, however, remains of magnificent edifices, dila-'pidated towers, fallen and shattered columns, partly of red gra-'nite, partly of every species of marble, among which the Pari-'an, the Pentelic, and the Oriental porphyry, are the most con-'spicuous.' Captain Smith, having fixed upon some of the finest of these fragments, and obtained the Bey's permission to remove them, returned in January 1817, with a vessel fitted for their reception. He was much dismayed to find the best specimens either carried off entire, or at least stripped of their richest ornaments. On making inquiry by what amateur he had been

thus anticipated, and what European cabinet these monuments were to adorn, he learned, that their destruction had arisen from a humbler source. On the natives being informed of the permission granted by the Bey, an alarm seized them, that they would lose the quarry, out of which they had long been accustomed to draw the semicircular stones used in their oil mills, which they had therefore been indefatigable in carrying off and secreting. Captain Smith made deep excavations in the sand, and found numerous fine remains, but all broken and even chipped into shapeless fragments; so that a number of shafts formed at last all the booty he was able to carry off.

A similar country continues to Mesurata, the plain west of which, compared by Herodotus to that of Babylon, is considered by Della Cella, as in fact one of the most fertile of Northern Africa. Mesurata is somewhat of a thriving town, carrying on manufactures of fine carpets, and a large trade with Central Africa, for which it especially imports glass beads, to adorn the beauties of Timbuctoo. At Mesurata terminates the plain of Barbary; and it is abruptly succeeded by the awful and desolate expanse of Sert, or the Syrtis. Captain Beechey has drawn a striking picture of this contrasted scene, as viewed from the sand-hills between Mesurata and the sea.

'At the foot of these morasses and to the westward, are the varied and cultivated lands of Mesurata; here are seen endless groves of palm trees and olives, among which are scattered numerous villages and gardens, rich tracts of corn land, flocks of sheep and goats, and every where a moving and busy population. To the eastward a tenantless and desolate waste, without a single object rising from its surface, lies stretched in one long unbroken line, as far as the eye can range. Not a single tree or shrub is on that side to be seen; not a single house or tent, not a single human being, or animal of any description.

'In fact the effect of the Greater Syrtis from this place, is that of a dreary moor—a wide tract of level waste land—without any thing to distinguish one part of it from another, but the windings of a marsh, which threads its dark surface, and is lost in different parts of the unbroken horizon.'

It was upon this desolate region that the travellers were now to enter. Their route lay first through a marsh about forty miles long and fifteen inland, supposed to be that described by Strabo as a lake; though the term which he uses is ambiguous. A saline crust covered the surface, which often gave way under the horses' feet, and discovered hollow spaces of various depths, with water underneath. The Arabs gave very solemn warning as to the dangerous character of the ground, and the great caution which it required; but as the English never

sunk to any perilous depth, they treated this as African hyperbole, and took a pride in galloping fearlessly over this hollow surface. At length they received a pretty serious lesson; for

'Two of our party were making their way across the marsh, to something which bore the appearance of a ruin; the ground suddenly gave way beneath the feet of the foremost horse, and discovered a hollow of ten or twelve feet in depth, at the bottom of which appeared water. The animal, who was galloping at the time, feeling the insecurity of his footing, sprung violently forward, with all the energy of terror, and by this sudden exertion saved himself and his rider from destruction; for it would not have been possible to extricate either from such a place. The ground continued to crack and break away for some distance farther, as the horse galloped on from the hole, and a large aperture was soon formed in the crusted surface of the marsh, as the pieces fell in one after another. We afterwards took the precaution to dismount, when we had occasion to cross any part considered to be dangerous. We found on examination, that many hollow spaces of considerable depth and extent existed in various parts of the marsh, and that the crust of salt and mud which covered them, was sometimes no more than two inches, or an inch and a half, in thickness.'

After traversing this dreary tract, the appearance of Sooleb, with some pasturage and a few flocks and herds, was extremely cheering. The marshy ground gradually disappeared, and the rest of the Syrtic region, though arid and dreary in a high degree, presented from time to time little valleys or detached spots, the verdure of which afforded an agreeable relief. Through the whole of this extent of upwards of four hundred miles, there is not a single fixed habitation, nor a vessel or fishing-boat of any description. It is tenanted solely by Arabs, with their flocks, herds, and movable tents. There are, however, both records and traditions of ancient towns, among which Sert, or Sort, appears to have been conspicuous. Ancient civilization is also attested by a continuous chain of forts, affording the means of an uninterrupted defensive war against the barbarous tenants of the interior. These are of a quadrangular form, capable of holding from 50 to 100 men, and usually built over springs of water. They had neither gate, window, nor any opening whatever, except at the tops, to which the garrison and those who fled to them for protection must have got access by ladders.

Captain Beechey had an opportunity to examine the nautical character of this gulf, the perils of which are painted by the ancients in such direful colours. Lucian has described it as a region in which the distinction between land and sea was still imperfectly established; where the navigator could not proceed without striking continually on concealed shoals; while the

land-traveller sunk and was swallowed up in the sand, as in a sea. The maritime records specify a flat and shallow coast, without harbour or landing place, and rocks and shallows against which a heavy surf is continually breaking. All these dangers still exist; and are increased by the heavy swell which the north wind, blowing across the greatest breadth of the Mediterranean, brings into the gulf, producing in the extreme what seamen call 'the difficulty of working off a lee-shore.' The ancients dwell strongly also on the flux and reflux of the sea, generally understood as referring to a peculiar action of the tides. But the tides are scarcely felt anywhere in the Mediterranean; and there appear no means by which they could reach the Syrtis, without passing through the intermediate coasts. This effect, which is compared to that of whirlpools and eddies, seems to be produced, when the sea, forcibly impelled by the above causes upon a flat shore, rushes into its little bays and recesses, and then suddenly recedes; operations which appear to Captain Beechey sufficient to produce the result described. Direful as the passage of this gulf was esteemed by the ancients, they were doomed to it by a fatal necessity; since, being unable to navigate at any great distance from land, they could no otherwise pass from the territory of Egypt to that of Carthage; but to the moderns, who easily and systematically stand out to sea, its terrors scarcely exist: Yet is it still deemed unwise, when the wind blows strongly from the north, to pass along the mouth of this dangerous gulf.

It is a somewhat odd circumstance, that though quicksands have been uniformly described as characterising the Syrtis, and the very names have become synonymous, there should not have been found, along the whole coast, such a thing as a quicksand. It is sandy, indeed, in a great degree, but the sand affords everywhere firm footing, and the only appearance of danger is from the tendency to blowing, produced by its extreme dryness. Captain Beechey is willing to believe, that the land may have gradually gained, and by excluding the former mixture of sea, acquired a consolidation before unknown. But this does not seem very probable. All the general features of the coast seem unaltered; and it would surely have been strange, if so remarkable a feature had existed, that it should not have left a single trace behind it. We incline to think, that the ancients must have formed their idea of quicksands by vaguely combining the sandy character of the coast with the sinking swamp which we have seen to extend along so great a part of it; although the two features have really nothing in common.

The recent travellers have rectified materially the geography

of this extensive gulf. They have, indeed, done little more than re-establish its ancient form and dimensions; for those of Ptolemy and Pliny, and even of Herodotus, are more accurate than have been assigned by modern charts. Della Cella and Captain Beechey concur in effacing the gulf of Zuca, a long narrow inlet, which in the best maps has been represented running up into the country, and connected only by a narrow strait with the gulf of the Syrtis. It seems to have been suggested by the lake or marsh of Strabo.

As the traveller wandered along these wilds, he busied himself in searching out sites celebrated in antiquity. Here must have been the altars of the Philæni, the Carthaginian youths, who devoted themselves to be buried alive, when the claim of their country to this advanced frontier could no otherwise be admitted; a wild flight of patriotism, which antiquity held in such veneration. The altars, which were of sand, have long since mingled with the surrounding desert. Yet they could not be far distant from the Tower of Euphrantes, built as the barrier of the Cyrenaic against the Carthaginian state, and which Captain Beechey seems to have fixed at a lofty ancient tower called Bengerirad. The strong fortress of Antomala, at the bottom of the gulf, seemed also marked by the ruins of extensive fortifications, at a place called Braiga.

After journeying upwards of four hundred miles along these dreary shores, the travellers came in view of the Pentapolis, or central part of Cyrenaica, a romantic and fertile range, watered, as the Arabs report, by three hundred and sixty springs, and once covered with a succession of magnificent cities. The first was the Berenice of the Ptolemies, earlier and better known under the poetical name of Hesperis. Every trace, however, of the ancient city appears to have been buried under the sands of the surrounding desert; and above it has been built the miserable village of Bengazi. When an Arab has a house to build here, he goes without the town, and, by digging, speedily comes to the remains of splendid columns and rich entablatures. These, however, do not suit him, till they have been broken and even chipped into small pieces, so as to be adapted to his mode of building. The elegant volute, the rich triglyph, the flowering acanthus, are diligently beat down into fragments, till they no longer retain any trace of their original form. So ill, however, are these fragments cemented with mud, that they are wholly unable to resist the violent rains of the climate; and while the English were at Bengazi, they were continually alarmed by the screams of females, announcing that some one or other of the houses had fallen in.

It was near Bengazi, that the traveller was to look for that

remarkable site, on which the ancients founded their celebrated fable of the Hesperian gardens. After all that is said by Captain Beechey, we think it clear that this was a movable feature, gradually carried westward with the progress of discovery; and Atlas, their guardian, marks that they were finally advanced to Mauritania. Yet their first position seems really to have been at this extremity of the Cyrenaic territory; where Scylax in his Coasting Guide Round the Mediterranean gravely establishes them. He throws out, however, the poetical features; and describes the gardens merely as an enclosed and almost inaccessible spot, *of a quarter of a mile square!* filled with a luxuriant growth of the finest trees, both of Africa and Europe. Captain Beechey actually observed a structure which seems extremely analogous to the above description.

'Some very singular pits or chasms, of natural formation, are found in the neighbourhood of Bengazi; they consist of a level surface of excellent soil of several hundred feet in extent, enclosed within steep, and for the most part perpendicular sides of solid rock, rising sometimes to the height of sixty or seventy feet, or more, before they reach the level of the plain on which they are situated. The soil at the bottom of these chasms appears to have been washed down from the plain above, by the heavy winter rains, and is frequently cultivated by the Arabs; so that a person, in walking over the country where they exist, comes suddenly upon a beautiful orchard or garden, blooming in secret, and in the greatest luxuriance, at a considerable depth beneath his feet, and defended on all sides by walls of solid rocks, so as to be at first sight apparently inaccessible. The effect of these secluded little spots, protected as it were from the intrusion of mankind, by the steepness and the depth of the barriers which enclose them, is singular and pleasing in the extreme; they reminded us of some of those secluded retreats which we read of in fairy legends or tales. It was impossible to walk along the edge of these precipices, looking everywhere for some part less abrupt than the rest, by which we might descend into the gardens beneath, without calling to mind the description given by Scylax of the far-famed gardens of the Hesperides.'

None of these retreats approached to the dimensions assigned by Scylax; but the structure seems characteristic of the country round Bengazi, and due search might probably discover one or more on a much larger scale than those seen by Captain Beechey. M. Pacho, following out Gosselin's very natural idea, that these gardens may be an oasis in the desert, has found an oasis at Maradeh, at a little distance in the interior, where he seeks to place them; but really, to take his own report, this soil, covered with a saline crust, producing only the common date tree, and in which only a few old men and women live miserably on barley and palm wine, seems to have absolutely

nothing that can correspond to our idea of the enchanted gardens of the west.

The road now lay chiefly through a succession of valleys, many of which were singularly beautiful, resembling, on a smaller scale, those of Switzerland or Savoy. The sides are in many places steep and rocky; but every cleft is filled with a brilliant vegetation, which made it scarcely possible for the traveller to believe that he was in Africa, the region of parched and desert monotony. 'The white pine and the olive,' says M. Pacho, 'adorn the sides of the mountains, whose summits are crowned 'with forests of *thuya* and arborescent juniper. A vegetation 'less powerful, but more brilliant, fills the numerous ravines and 'the valleys running through them. The rocks, overhung with 'dark groves, present sepulchral grottoes, the only vestige of 'towns which have disappeared, with their ancient inhabitants. 'These pious excavations, the funereal tree which covers them, 'with the hoarse and savage songs of the Arabs, which are re-'peated from valley to valley, arrest the pensive traveller, and 'fill him with solemn and tender recollections.'

On this route were found the two ancient and now entirely deserted cities of Tenchira and Ptolemeta. The former has been entirely converted into a heap of fragments and rubbish, in which no single feature of any interest is now distinguishable. The power of destruction, however, has been resisted by the Cyclopean strength of its walls, which form one of the most perfect remaining specimens of ancient fortification. They are a mile and a half in circuit, defended by twenty-six quadrangular towers, and admitting no entrance but by two opposite gates. In Ptolemeta there remains, of the walls, only one magnificent gateway; but within are the remains of an amphitheatre, of two theatres, and of the columns and tesselated pavement of a palace. The area was covered partly with grain, and partly with a thick vegetation of shrubs growing four or five feet high; nor was there any symptom of animal life, except the cries of the jackal and hyena, and the noise of owls and bats starting from the buildings, when disturbed by the approach of the strangers; a solitude and desolation which could not but be deeply felt, when contrasted with the busy scene which the city must have presented during the days of its wealth and grandeur under the Ptolemies.

These were only preludes to the more splendid scene of ruin which was presented by Cyrene itself, the ancient capital. Its situation is equally singular and beautiful. The high table plain on which it is seated, descends towards the sea abruptly, yet not by a single steep, but by a series of stages, like steps, along

each of which there is a smooth rocky path, still marked by the wheels of the ancient chariots of Cyrene. About eight hundred feet below the city, commences a finely wooded plain, still 1500 feet above the sea, to which it descends by a similarly steep front. The view from the brow of the height of Cyrene, extending over the rocks, plain, and distant ocean, is such as Captain Beechey thinks it vain for him to attempt to describe. This city is, like the others, thoroughly deserted as to all permanent habitation; but several fine fountains, with chambers cut in the rock, afford spots of agreeable repose and refreshment for the wandering Arabs. The travellers, in approaching, often disturbed flocks and herds that were peaceably feeding in front of them. These, and particularly that called the Fountain of Apollo, appear to have been highly ornamented, and fine statues and bas reliefs are still found in their vicinity. There are also remains of a spacious amphitheatre, built on the brow of the hill, with the fresh northern breeze blowing into it, and of several temples, particularly one dedicated to Diana. Numerous statues are also scattered through the city, many of which are partly or wholly under ground; and those which remain on the surface have usually suffered severe mutilation. But the most striking feature in Cyrene is the pomp of its City of the Dead.

All the ancient nations were lavish of art and cost upon the abodes of their ancestors; but none, like Cyrene, had such lengthened walls of rock out of which to excavate their tombs. 'If,' says M. Pacho, 'the palaces and their inhabitants, with 'the arts and civilization, have disappeared from Cyrene, its vast 'Necropolis, the depositary of a part of their bones, attests both 'its ancient splendour and its immense population. Eight or nine 'rows of sepulchral grottoes, arranged in terraces, extend along 'the mountain on which rose the capital of African Greece. 'These grottoes, around which are grouped tombs and sarco-'phagi, are equally rich in ornaments and inscriptions. Their 'fronts present an agreeable contrast of varied styles, and may 'indicate, by the perfection or decay of the art, the various eras 'to which these monuments belong.' These rows of sepulchres extend a mile and a half along the roads leading to Cyrene, and, having their fronts adorned as above, present the appearance of gay and splendid streets. Indeed Della Cella actually supposes them to have been the habitations of the living, and consequently views the Cyreneans as a species of Troglodytic race; but both the English and French travellers unite in refuting such an opinion. Mr Beechey, with the enthusiasm of an artist, conceives that years might be spent with satisfaction in delineating these sepulchral remains, and a full view thus obtained of the successive styles of ancient architecture.

Cyrene, as well as the other cities, contained numerous inscriptions, of which M. Pacho brought a large collection to France. On being examined, however, by the Commission of the Society of Geography, they were not found to be of much value. Only one belonged to the era of Cyrenean independence; two to that of the Ptolemies; all the others were Roman. The Society suspect the same of the Cyrenean structures in general, and that the Romans, amid the scarcity of marble, took down the ancient edifices to obtain materials for the erection of their own; a barbarous economy, which we can scarcely reconcile with the wealth and taste of Rome at the era when she became mistress of Cyrene. Yet the modern Romans, for some time, applied the Coliseum to the same profane purpose.

There seems reason to think, that Cyrene, with the numerous statues with which it is filled, must have largely contributed to the rumours of a petrified city, which have floated so widely through Northern Africa. Ras Sem, the name given by the informants of Shaw and Bruce, to this abode of human beings converted into stone, is in fact borne by a promontory at no great distance, though the usual indications have pointed at some spot farther in the interior. The English seem now to have pretty thoroughly investigated these rumours of petrified cities. Captain Smith, having received from the Sultan of Fezzan, a pompous account of one situated at ten or twelve days' journey in the interior, determined, along with Consul Warrington, to visit it, hoping to find, not indeed what the Arabs announced, but an extensive and valuable assemblage of antique monuments. They travelled nine days through a difficult and desolate country; continually encouraged by accounts of the numerous population of this city of stone, and only warned against the impious attempt to remove any of those whom the judgment of Heaven had doomed to remain for ever rooted to that fatal spot. Captain Smith, who was exceedingly at his ease on this head, proceeded with increased alacrity, and passed the tenth night in sleepless expectation that his eyes would open on the pomp of a second Palmyra. In the morning, he hurried to the spot; where he saw a few clumsy modern houses, near which were a number of tombs, on which were sculptured, or rather scratched, some objects which did bear a remote analogy to the figures of men, camels, and horses. As Captain Smith viewed with contempt these rude works of some neighbouring Arabs, his Turkish conductor undertook to open his eyes to their beauties, pointing out, in particular, a horse, and appealing to him whether it had not actually four legs. Yet Captain Smith seems to go too far, when, in his wrath, he considers this total want of all taste in sculpture, as the last and

greatest degradation which the Mahometan faith entails on its votaries. We trust we do not underrate the value of the fine arts; yet, if their creed had made them honest men and good citizens, we should have thought it comparatively venial, though it had left them unable to distinguish between the Venus de Medicis, and one of those sculptured steeds, in pursuit of which they led Captain Smith so weary a march.

Captain Beechey did not proceed beyond Derne, where, and at Apollonia, he saw ruins of considerable extent, though neither of a different character, nor on so great a scale as those before visited. From this point to Egypt extends also a celebrated coast, the ancient Marmorica; for the present state of which we must apply to M. Pacho, who began his observations on this side. This region presents a much less interesting aspect, and is every way less favoured by nature than Cyrenaica. It presents, according to M. Pacho's description, none of those smiling groves of laurel and myrtle, which crown the mountains of Pentapolis, and overshadow its valleys. The soil is rocky, of a yellowish grey colour, and dependent for its measure of fertility solely on the copious rains. The singing birds, vainly seeking foliage and shelter, fly from this naked region; only birds of prey, the eagle, the hawk, the vulture, appear in numerous flights, and their songs, or rather sinister screams, render the solitude more frightful. The jackal, the hyena, the jerboa, the hare, the gazelle, are the chief wild animals; and human existence is only indicated by the bleating of distant flocks, and the dark tent of the Arab. Yet this tract is by no means wholly given up to sterility. The moment that the periodical rains commence, the Arabs hasten to the spot where they first fall, when cattle, horses, and camels are indiscriminately yoked to the plough; the earth is soon rudely furrowed, and the grain deposited.

The monuments of Marmorica possess none of the elegant and classic character of those of Cyrene; they are ruder, and more in the Egyptian style. The noted ports of Apis and Paraetonium are now only miserable villages, whose roadsteads are half blocked up with sand. Yet the country bears ancient traces of a civilized, and even somewhat numerous population. There are marks of extraordinary exertions made to supply the penury of water. Canals of irrigation cross the plain in every direction, and even wind up the sides of the hills. The ancient cisterns are numerous. They are composed of a cement harder than stone, are frequently divided into several chambers, and adorned with pillars.

The inhabitants of the whole of the immense tract of territory now surveyed, are entirely Arab; they speak the Arabic language, and manifest those wandering and patriarchal man-

ners, those hospitable and predatory propensities, that family pride and family feud, which have been observed or experienced by all travellers. The picture drawn of them by the English, is not favourable. They are represented as not omitting any form of plunder or extortion; whether by false pretences, groundless alarms, or threats, accompanied by the most furious screams and gesticulations; to which it was believed, that only fear prevented them from adding open violence. Our travellers, however, were in the most unfavourable position for viewing the Arab character. They came rich, armed, and infidel; and were, therefore, in every view the appropriate subjects of plunder. It is otherwise with him who, alone and unarmed, bearing only the sacred name of stranger, enters and seats himself in the patriarchal tent. M. Pacho, travelling as a private individual, stood more in this position; and arriving at the joyful period when the rains had commenced, and the ground was preparing for the seed, he was admitted to all the rites of Arab hospitality. Invited to a great feast, he was regaled with the usual dainty of a sheep roasted whole, and eaten with the fingers; while girls, 'dressed as Cariatides,' presented a large vase of milk, which was passed round the company. All that was expected in return was to cover bits of paper with writing, and thus convert them into amulets; for, however odious the faith of the Christian may be, yet in his capacity of sorcerer, he is supposed to possess supernatural powers. Yet the French traveller, with all the address and amenity of his nation, never could overcome the separating influence of that bigoted creed, which, by holding the Arabs apart from all the enlightened nations, perpetuates their barbarism. He says:

'We often travelled several days successively with Arabs of the country, who were going in search of a new dwelling. I snatched these opportunities, alighted from my dromedary, and forbidding any domestics to follow me, mixed singly with these Arabs. I sought to obtain their confidence by frankness and kindness. I often succeeded; and these simple men, forgetting my religion and my projects, told me the affairs of their tribes, spoke of their harvests and their flocks, as if I had been one of their countrymen. But the hour of prayer restored them to their principles, and to themselves. They separated, and pitched their tent at a distance from mine. We had lived together through the day; and, in their unreflecting moments, while their hearts were open, I had become in their eyes a shepherd and a Nomade; evening again made me Christian and European.

'Although the Arabs cultivate the ground, they do not hold it in any fixed occupancy. The whole region is one immense common, over which the different tribes are in continual motion. When they come at the rainy season to a favourable spot, they sow it, wait about three

months for its growth, reap the harvest, and proceed onward. The Fellahs, or fixed cultivators, are the objects of their most profound contempt, and an alliance with them considered as involving the deepest ignominy. A Bedouin, on the borders of Egypt, having discovered an intrigue between his daughter and the son of a Fellah, stabbed the two lovers, cut them in pieces, and threw their mangled limbs into the Nile. Yet these Arabs are not generally infested with Mahometan jealousy. The Bedouin matrons converse with strangers unveiled in their tents, and the young girls, though veiled, are in no degree immured, but employ themselves actively in the household affairs.

'While the more aged females prepared the hospitable repast, and spread the tent with carpets, the young girls, after collecting the waving folds of their drapery, spread themselves over the fields to collect twigs and dried herbs, the only fuel in a country destitute of trees. I admired the rapid movements of their slender forms, the careless grace of their walk, or rather of their flight; I heard with pleasure their songs, whose strong intonations contrasted with their young female voices. According to custom, one recited the whole song, while her companions only joined in chorus. She related, to a simple air, the unfortunate love of a young warrior for Fatmeh, the most beautiful of the flowers of the desert. She represented the lover solitary in his tent, become insensible to the call of vengeance, faithless to the *law of blood*, allowing his steed to wander untended in the valley. The others from time to time struck in, calling, Hia Alem! Love of Love! I was never so much struck with the simplicity, I will even say the happiness of Arab life.'

Captain Beechey obtained a curious illustration of Arab feelings upon this subject, when he presented to some of the chiefs of Bengazi, the portrait of a young lady in full *dress* for a London evening party. The horror with which they started back, and their pronouncing it sin to gaze upon such an object, is rather thoughtlessly ridiculed by our traveller, who does not consider how opposite it was to all their manners and principles. In fact, the exposure of any part of the body which is usually covered, is always felt in the first instance as indelicate. We would hazard the question, whether, if any of the young lady's worthy ancestors could rise from their tombs, their feelings would be very different from those of the Arab. To conclude, it somewhat spoils the romance of the fair Bedouins that, in marriage, they are invariably sold, usually for cattle; and she is considered a gifted damsel, whose estimate mounts so high as a couple of camels.

The Arabs of Marmorica, consisting chiefly of the great tribe of Aoulad Aly, are not supposed by M. Pacho, to exceed 38,000. Those of Cyrenaica, called by the too appropriate name of Harabi, or Warriors, are reckoned by him at nearly the same, or about 40,000. He did not reach the Syrtis; and Captain Beechey

has not favoured us with any estimates of this nature. If the above two make any approach to correctness, the whole of this immense range of coast cannot now contain more than 100,000 inhabitants.

Della Cella has started the idea of colonizing Cyrenaica. And really, if Northern Africa be considered at all a fit theatre for such a project, we should prefer this part of it to any other. The land being common, there could be no obstacle to its occupation in the first instance; and, by the use of proper means, its produce, no doubt, might be immensely increased. The colonist must, however, be warned, that in one way or another he would soon find himself in a state of permanent warfare with the Arab natives; who, though few in number, are all warriors, skilled in light and predatory excursions, and who would always find a sure retreat in the heart of their immense deserts. He could maintain his place, therefore, only by constantly holding the plough in one hand, and the sword in the other. The long chain of forts, already described, evidently shows that the civilized nations of antiquity never held it on any other tenure. Possibly, therefore, he may place more value on the security afforded by the humbler and more distant bands of the Hawkesbury and the Ohio.

Art. X.—*Second Statement by the Council of the University of London, explanatory of the Plan of Instruction*, pp. 168. London: Taylor. Longman. Murray. 1828.

It must be a matter of sincere congratulation to all the friends of sound and liberal principles, that the prejudices which were at first arrayed against the establishment of the University of London have disappeared, we cannot say gradually, but in less time than the walls have taken to rise. If this must chiefly be ascribed to the objectors having been very clearly in the wrong, it may nevertheless be in part also deduced from their receiving no support in the quarters to which they probably looked for it, the ancient seminaries of Oxford and Cambridge, and from the conciliating and respectful tone upon every occasion adopted towards those illustrious bodies, by the patrons of the new institution. How, indeed, could either party be expected to act otherwise, giving them merely credit for common sense, and a just view of their own interests? They could gain nothing by hostile demonstrations; they had no points of collision; they had a common object in view; and their enmity could have no other effect than to frustrate the attainment of that object, and

lower them in the estimation of the world. But we verily believe that much higher considerations operated upon the more enlightened leaders, both of the old establishments and of the new. Each felt that the other had a useful task to perform; the former knew that they could not educate the great bulk of the pupils destined to receive instruction in London; the latter were equally aware that they could neither receive the kind of persons, nor teach some of the things, for which Oxford and Cambridge were principally endowed; and it thus became evident to each, that the help of the other was wanting to the perfection of a national system of education. We do not intend to assert that any opposition from 'the Universities,' could have materially retarded the completion of the new institution; but we have no doubt that a course different from the one so properly and so wisely pursued would have delayed, if not frustrated, one of the most important consequences which could flow from it, and which seems already to be nearly realised—we mean the foundation of another College in London, supported by persons of high authority in both Church and State, and destined to teach certain branches of knowledge which the London University, from necessity, and not from choice, had been obliged to omit. Having upon another occasion traced the history of the latter, we shall now follow the steps by which this more recent, but apparently flourishing scheme arose out of it.

The establishment of the University of London was begun in the summer of 1825. The objections principally urged against the plan, were, that no provision was made for religious instruction—that the metropolis was a dangerous neighbourhood for youth—and that a jointstock company was ill adapted for superintending the education of youth. As the danger arising from a situation in London was most of all dwelt upon, and as, indeed, many even of the well-meaning adversaries of the scheme were chiefly hostile to it, from a most ill-founded apprehension that it might interfere with Oxford and Cambridge, every one could easily perceive that no attempt would be made, at least by those objectors, to oppose it by means of a rival undertaking. If they honestly believed the university to be hurtful, because it taught young men among the temptations of London, or because its prosperity would injure the old seminaries of learning, they could not wish to double those mischiefs, by founding two institutions instead of one. If, on the other hand, they only disliked the new institution and its authors, or desired to obstruct every plan for the improvement of education, they might, while it was yet in embryo, have set on foot a rival scheme, in the hopes of its crushing the other without being successful itself. That no such

attempt was made at a moment when it might have done irreparable mischief, satisfactorily proves the fairness of, at least, the great bulk of the objectors. Some there may have been only bent upon injuring the new University; but all those whose support could give the attempt a chance of success, were assuredly of another opinion, and nothing was tried. Meanwhile the formation of the University proceeded steadily; the difficulties unexpectedly created by the distress of the times were overcome; the sum required, according to the deed, before any thing could be done, was raised;* the building was begun, and soon became an object of attention in the neighbourhood. Doubts were now entertained only as to the precise time when it would be finished and opened for the purpose of instruction. But many of the professors being appointed, and arrangements made for beginning, before the wings of the edifice were built, there appeared every reason to expect that the classes would open at the time announced on laying the foundation, that is, October 1828. Accordingly, all men acknowledged that the enterprise had succeeded; and that the University might be considered as established. Indeed, in the month of May last, the body of the building was roofed in; the magnificent portico in the centre was begun; the internal arrangements were in a state of forwardness; the library and museum were collecting; particularly the fine apparatus for the Natural Philosophy class was almost completed; and men of the most distinguished talents and highest reputation were chosen as professors in most of the departments of literature and science.

In these circumstances, the attention of many persons of weight in the country, seems to have been drawn towards the new institution, in the success of which they had probably, till now, never seriously believed. They observed, that from the fundamental principles of its constitution, the exclusion of all religious tests, and the universal admission of persons as both managers and proprietors, both teachers and pupils, without any distinction of sect, it was absolutely impossible to teach any branch of theology within its walls, or to require any religious observance from its inmates or frequenters. They were averse to a system of education, of which the most important of all branches of knowledge thus formed no part. When it was said, that no

* L.150,000. This was the *minimum*; but by the statements of the Council, it appears that from L.30,000 to L.50,000 more will be wanted to complete the building collections, and that a part of this sum only is subscribed.

one who attends a Mathematical or a German teacher thinks of requiring that there shall be prayers before the lesson, or a portion of divinity taught along with it, the answer was, that such lessons do not profess to be a complete system of education, and that they who give instruction in every thing but theology, by the omission seem to undervalue it, and to sanction the belief that merely human learning can constitute a complete circle of the sciences. When it was replied, that the omission could indicate no such imperfect estimate, but rather the contrary, founded as it was on a sense of the paramount importance of religious matters, which will allow of no compromise—that at all events there was no choice, inasmuch as men of different tenets never could agree in the kind of instruction to be given upon sacred subjects—and that to say there must be no collegiate education without theology, was in truth to say, that each sect must have a college of its own—the rejoinder was, that nevertheless the interest, perhaps the safety, of the Established Church, required an establishment conducted upon its peculiar principles, whither those might resort to whom the enforcement of its discipline, and the promulgation of its doctrines, presented no obstacles; so that while the one seminary should teach all descriptions of men, the other might receive that large portion which agrees with the national establishment.

We purposely omit all reference to the topics of mere abuse, drawn from unpardonable misrepresentation, with which some partisans sought to disfigure this important discussion; and confine ourselves to the intelligible and perfectly justifiable ground taken by the more respectable, and we are most willing to believe, more numerous supporters of the new College. It is perfectly evident, that upon such grounds, no one who supports the London University, can, without an evident departure from the principles of that Institution, object to what we might term its younger sister, were it not rather its first-born child. For what is the very chiefest of these principles?—That education should be brought home to every one's door, and in the way most completely suited to the maintenance of absolute religious liberty. If each sect were sufficiently numerous to support a college, the best system would be a set of colleges, in each of which the same branches of knowledge were taught, except those connected with religion, and that those again should vary in each, according to the peculiarities of doctrine distinguishing the class of believers it belonged to. As, however, this is not the case, there must be an establishment open to all, to church as well as sects, teaching every thing but Theology; and each must provide that branch of instruction apart, either at home or in private seminaries. But

the members of the Church compose a great proportion of the community; exceeding perhaps all the sects together in point of numbers—in wealth and influence very greatly exceeding them. They are, generally speaking, agreed upon every thing that is essential, whether as to doctrine or discipline; and an establishment might therefore be formed for their use, which needed not either to exclude theological instruction, or to dispense with religious observances. By the same rule that the dissenters say, 'I 'will not send my child to a college where the liturgy is used, and 'the thirty-nine articles taught;' a churchman may say, 'I will 'send no child of mine where the prayers of the church are not 'read, and its tenets inculcated.' And they who, in deference to the honest scruples of the former, open the doors of one institution to all, by imposing no restraint which any can feel burdensome, must, if they are consistent, admit the expediency of affording the latter another resort, if unfortunately excluded from the first, by the very means taken to prevent exclusions. Nor will it be enough to say that the churchman is wrong in this view of the subject, and to argue that he may send his son to the University for Letters and Science, and teach him Religion elsewhere. He may be quite wrong; and it may be quite right to argue with him, and try to persuade him of it; but it is his conviction, until you have converted him; he thinks now that he is right, and he must act upon that opinion; and therefore it is perfectly fit that he should have the means of obtaining the education required, without the sacrifice which was only made by the London University, because it was unavoidable. If the Presbyterians or the Baptists were numerous enough to have a College of their own, the same argument would apply to their case. But the Church can maintain a College; and it is most fit that there should be one for its members; that is, for such of its members as cannot be persuaded that religion be may taught apart from the other branches of education.*

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* We had occasion formerly to urge a similar argument in one part of the great controversy respecting Schools. The principles, indeed, upon which all these questions rest on either side, are precisely the same. The argument respecting the distribution of the Scriptures, without note, or comment, and that touching schools for all, instead of schools where a certain creed is taught, are only varieties of the same doctrine which has been broached upon the foundation of a college without theological lectures. But it is remarkable that we find the topics identical even in their more minute details. Compare with this view, the observations in the text, on the inconsistency of those advocates for Academical Instruction, who, in order to unite all sects, and open the University to every one, maintain the

It is quite true, that when this point comes to be more closely examined, the difficulty is extreme, of discovering why a single seminary, where many things are taught, should necessarily have theological lectures and public prayers, any more than three or four schools devoted to different branches of instruction; why, because there are assembled under one roof teachers of Anatomy, Mathematics, and Roman Antiquities, a professor of Theology should also be there, when no one would think of connecting that study with Anatomy, or with Mathematics, or with Roman Literature, if taught separately in different places. No less hard is it to explain the grounds of alarm felt by many, lest the principles of youth should be injured, and their religious impressions weakened by attending those lectures in one place, where no theology is taught, and no attendance on public worship required, while the same youth may with perfect safety frequent the like lectures in different places, without any religious instruction or discipline whatever. Accordingly, there is another apprehension added to this, and which, we believe, has influenced many who were sensible of the weight of the arguments just alluded to. They conceive that the security of the Church Establishment is likely to be endangered by the existence of a flourishing college wholly unconnected with it. Now, though this seems a needless alarm, as long as Oxford and Cambridge prosper, richly endowed in themselves, and inseparably connected with the Ecclesiastical system of the country, yet nothing can be more fit, than that the metropolis should have a great University connected with the Church, for the convenience of such of its inhabitants as prefer the plan of domestic education, or cannot afford the charge

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necessity of leaving the students to learn religion elsewhere, and yet object to a college being provided by Churchmen where *their* children may be taught theology, with the similar reasoning used towards some very worthy friends of education among the Dissenters, who objected to any schools being opened where the children of churchmen might, if they pleased, be taught the catechism, (vol. xxxiv. p. 235.) 'A 'churchman, (it is there said,) as naturally prefers a school where the 'catechism is taught, as a sectary prefers one where it is excluded. 'Nor is it any answer to say, that the dissenter cannot send his child 'where it is taught, while the churchman may send his where it is ex'cluded. He may, undoubtedly; but he may also prefer the other; 'and this preference produces no sort of evil effect, unless in the single 'case of the community he lives in not being large or rich enough to 'support schools on both plans.' So a college where theology is taught, must be injurious, unless in London, where there is room for one on each plan.

of sending their children to the more distant schools of learning; and if the preservation of the Establishment is likely to be consulted by founding a College in London, devoted exclusively to teaching churchmen, amply provided with instruction in every branch of theological learning, and indissolubly united to the church by the form of its constitution, every friend to education must be gratified by witnessing its erection,—well aware that there is in the metropolis sufficient room for two colleges, and that the prosperity of the one formed upon a principle of exclusion, could not in the least degree injure the other, established upon an opposite principle of universal admission. No one who merely looks to the interests of Learning, who desires only the unlimited increase of the means of Education, can consistently with his principles object to a measure calculated to enlarge those means, and to promote the spread of literature, because it may happen, that such a measure will also give stability to the hierarchy. As well might the charitable foundations connected with the Church be complained of, or the learning and accomplishments of its members, or the piety and virtue of their lives; for these undeniably have a tendency to augment the authority and extend the power of the Church.

It followed from these considerations, that those friends of the Established Church who felt the apprehensions to which we have referred, were desirous of founding in London a College as nearly as possible upon the plan of the ancient universities; and that those who wished well to the progress of education, including many steady friends of the Established Church, were quite satisfied that nothing but good could result from the plan,—although they did not at all share in the apprehensions, and believed that two colleges upon the same unexclusive principle, would have been better adapted to the great object in view, equally safe for the Church, and more conducive to the interests of education. But there is reason to think, that the promoters of the new undertaking had not sufficiently adverted to the necessary peculiarities of a *London* College, when they resolved to found there an establishment connected with the Church, as the Universities are; and supposed that this could be effected by merely planting in the capital a seminary on the model of one of the Houses at Oxford or Cambridge. We shall now take a cursory view of the proceedings already adopted, and advert to those which must evidently be resorted to, which we think will clearly show, that with the best intentions, the patrons of the new scheme have been already compelled by circumstances which they cannot control, to deviate widely from their own funda-

mental principles; and are pretty sure to end by founding a second College, on very nearly the same principles which have presided over the formation of the London University.

The objects of those who promote this institution, were distinctly stated in the resolutions adopted at their public meeting, held at the Freemasons' Tavern, on the 21st of June, with the Duke of Wellington in the chair. The first of these lays it down as the fundamental principle of the whole, that 'while the 'various branches of literature and science are made the sub-'jects of instruction, it shall be an essential part of the system 'to imbue the minds of youth with a knowledge of the doctrines 'and duties of Christianity, as inculcated by the United Church 'of England and Ireland.' It is here announced that religious knowledge, according to the principles of the Established Church, is to be a necessary part of the course of instruction. Whatever else may be taught, those principles are, at all events, to be inculcated. Something, however, like a relaxation of this rule appears in the third resolution, which gives the outline of the plan. For there is a division of the College into two departments, a higher for the elder students, and a lower for the younger, and it is then expressly said, that 'the benefit of attending any course of 'lectures in the higher branches, is to be allowed to all who may 'be disposed to avail themselves of it under such regulations as 'may be prescribed.' It seems obvious, that the distinction here taken between the classes frequented by the older, and those frequented by the younger students, can only be made for the purpose of allowing the former to be attended by persons unwilling to comply with the exigency of religious instruction and observance. But nothing very explicit is given upon this subject, and we are not told, in plain terms, whether the younger students are to be all resident, and consequently more under discipline; nor, indeed, is any thing further said as to residence, except that 'students are to be received within the walls, under 'such rules of discipline, and to such an extent, as may be here-'after determined;' and that tutors are mentioned, along with the principal and professors, as the persons in whom is to be vested the superintendence of the College. In all probability, the details of the plan had not at that early period been sufficiently considered; and little more of the difficulty attending any attempt to carry on a College in London upon the old plan, had been felt, than that some change must be made in it, and some opening afforded for students who would not conform to the strict rules enforced at Oxford and Cambridge.

In a little while, upon a nearer view of the subject, those obstacles seem to have presented themselves in greater force. For

we find in the next publication from King's College, a repetition in more formal terms of the fundamental principle, but a considerably larger relaxation of it in the excepting part. 'The 'fundamental principle,' says the official advertisement, 'on 'which it is proposed to establish King's College, London, is 'this:—That every system of general education for the youth 'of a Christian community ought to comprise instruction in the 'Christian religion, as an indispensable part, without which, the 'acquisition of other branches of knowledge will be conducive 'neither to the happiness of the individual, nor to the welfare 'of the state.'

The same position is still further insisted upon in the two paragraphs which follow, so as to leave no doubt that the religious instruction is considered an essential part of the course of study, and that both 'for the promotion of Christianity, and for up-'holding the ancient and venerable Institutions of the country,' it is necessary 'that the evidences of the Christian religion 'should be taught,' and 'the doctrines and duties which are 'professed and taught by the Established Church, should be in-'culcated.' But although the conclusion from these premises manifestly would be, that religious instruction and discipline of the kind stated should be a necessary part of the course in King's College; or, in other words, that no one should frequent it who did not learn the doctrines, and conform to the discipline, of the Church within the walls of the institution, it must have been found impossible to act upon this plan, when a nearer view was taken of the subject; for the greatest latitude is given, and most properly given, in the regulations that immediately follow the statement of the principles. A distinction is taken between 'students who are members of the College,' and 'persons who 'are not regular members;' that is, between members and all others—a distinction which really, so far from being 'in accord-'ance' with the fundamental principle, seems to get rid of it altogether, at least to prevent it from producing any material effect in excluding persons who differ from the Established Church.

'In accordance with this principle, all the students who are '*members of the College*, whether domiciliated or otherwise, will 'be required to attend the prescribed course of religious instruc-'tion, and to be present at divine service, performed within the 'walls of the College, at such times and under such regulations 'as may be laid down by the council.

'Persons who are not *regular* members, will be allowed to 'attend any particular course of lectures, in such numbers and 'on such terms and conditions as the council may from time to 'time prescribe.

'It is not, however, intended that those persons, who may 'avail themselves of this permission, should be entitled to con- 'tend for prizes; to obtain certificates; or to enjoy any of the 'privileges and advantages which it may be thought expedient 'hereafter to confer on the members of the College.'

Therefore any person may *attend* the College, provided he is not desirous of being *a member;* for it is obvious, that the restriction as to members, and the terms and conditions alluded to in this passage, will never be enforced to the exclusion of any, while there is room to accommodate them.

Now, to what has this ample relaxation of the principle been owing? Clearly to this, that it was soon perceived how inconsistent the compulsory learning of theology, and observance of discipline, were with that kind of education which must needs form the bulk of the work to be done in a London College, namely, the instruction of day scholars, who do not reside within its walls, and for the most part pursue a course of study suited to their individual circumstances. Let us consider the matter for a little; and we shall find that still further relaxation will be in all probability required; till at last the rule will only be applicable to the students residing within the walls, if indeed this shall continue to be a part of the plan.

Where young men are all living under the same roof, as in a college at Oxford and Cambridge, nothing can be more easy than to require attendance at chapel every morning, or both morning and evening, and to insist also upon religious ceremonies at times of meals, as the Catholics do in their seminaries for educating priests. But how is it possible to require this in the case of students living in different parts of London, and only coming from their homes to attend particular lectures? There must be a fixed hour for prayers; suppose it half past nine in the morning; the student who has to attend a lecture at ten may come to prayers half an hour earlier; but what is the student to do who comes at eleven? Is he, after attending prayers, to go home again at ten, in order to set out upon his return the moment he arrives at his own house? Or is he to walk about idle for an hour in the college cloisters? Or is accommodation to be provided for him in some reading-room during the interval? But then if he attends a lecture at one or two, and not at eleven, he cannot remain the whole morning on the spot, and must go home. Then, it may be said, he has only come to church early, instead of coming to an early lecture, from which he must go home in like manner, and return to some late lecture. But who does not see that such proceedings are wholly foreign to the habits of the people of this country, of all ages, and of all classes? No one here goes

to church daily, as many do to mass in Catholic countries; and no more effectual method could be devised of disinclining young men towards the observances of the church, and indeed towards religion itself, than forcing them to go every morning to college prayers, at whatever distance from their home. Besides, the student would be the only person in his family who went to a daily church; and why should the observance cease, he might naturally ask, upon leaving college? The elder branches of his family must be guilty of a great neglect, in his eye, for omitting it. If it is said that there may be family worship,—then why should not the student attend that, instead of going to the college for it? And no doubt this is the foundation of college prayers. Family worship, now so generally neglected, was formerly the general practice; and young men living in college were required to attend prayers there, on the supposition that if at home, they would be at prayers with their parents. It is evident that the attending prayers at college is incident not to the instruction there conveyed, but to *the residence* which that instruction requires; and where the student resides not, his attending prayers is out of the question. Suppose the case, which must constantly happen, of a person only frequenting a single class, with a view to professional pursuits—as the Law or Physic. He lives in the city, and is to come three miles to hear a lecture on surgery at three o'clock, or on conveyancing at seven in the evening. Could any thing be more preposterous than to tell him that he cannot do so unless he will also agree to come the same distance every morning at half past nine, to be present while prayers are read, and return to the city in half an hour, when they are over? But the case is not much less clear where the student goes through a prescribed course; for though one year he may be brought to the college so early as to attend the prayers without inconvenience, the next year his hours of lecture must be different, and he cannot begin his day's work with chapel, unless, after the example of Catholic countries, there should be repeated performances of divine service in the course of the day.

We do not, therefore, see how it is possible to enforce attendance upon any kind of public worship upon day scholars, even if they were all of the same sect, at least to any greater extent than is practised in our Scottish Universities, where the Professor who teaches the earliest class in the day, and to the younger students, begins his tuition by repeating a very short prayer. Of course this is only heard by the student, if he happen to attend that class; nor is it heard by every one who goes to college at eight in the morning, for a medical professor does not offer up

any prayer, though he may teach thus early; but by the pupils who attend the junior classes. A service, if it can be so called, necessarily confined to a few minutes, and to one division of students, would certainly not satisfy those who require the performance of public worship 'according to the liturgy of the Established Church.' Indeed it would satisfy no one who deems public worship necessary in a course of education. We therefore think that the London University did wisely, in rather having none at all, than being content with the only substitute for it which could by possibility be had, in an institution avowedly formed for day scholars alone. And we think it equally clear, that the able and respectable persons at the head of King's College, will find it much better to do as their immediate predecessors have done, and leave all day scholars to attend religious worship at home, or in the churches and chapels frequented by their parents. For nearly the same arguments are applicable to any compulsory attendance upon divine service on the Sundays. It would tend little to promote the purposes which those have in view who conscientiously support the principle of combining religion with general education, that going to the College Chapel once a-week should be made a condition, *sine qua non*, of being permitted to attend any given course of lectures. How far such compulsory observances, whether daily or weekly, are calculated to further the cause of religion, and strengthen the affection towards the Church, even in resident students, has, we know, been doubted by those who have discussed the system adopted at the Universities; and there is perhaps little difference of opinion, that at any rate some better mode of enforcing this part of discipline might be devised. But with that inquiry we do not for the present meddle. If King's College, London, shall have inmates within its walls, like its namesake at Cambridge, it will come within the same rule as to religious discipline; and there will be no more difficulty in the one case than in the other upon this head. Nor does it seem to us that there can be any great objection on the score of dissenters, always supposing, what we may assume to be unquestionable, that the children of churchmen will in London be quite numerous enough to require all the accommodation which both the new seminaries can afford them. It may be urged, indeed, that the benefit of being educated within the walls will be confined to those who are in communion with the Established Church. But we have already answered this objection; if any considerable body of churchmen conceive that attendance on the religious ordinances of the establishment is an essential part of education, they have just as good a right to provide a college where this plan is pursued, as a body of dissenters would

have to found a seminary where pupils were at once taught the various branches of knowledge, and obliged to attend the worship of the sect. The exclusion from the new College only affects those dissenters who are not satisfied with the tuition of day scholars. *This* they may have, either at the London University or the King's College; and if they require to be received as resident students, they must form some seminary connected with one or other of these institutions, so that they may be lodged and boarded without the walls, and there taught the religion, and attend on the worship, of their own communion; while within the walls they attend the various courses of lectures as day scholars—a plan already adopted by persons connected with the London University, as we shall presently have occasion to observe.

The residence of pupils, therefore, appears to be almost the only material distinction between the two institutions. In every thing that regards the day scholars, they must be of necessity conducted upon nearly the same principles. Of course, there is an end of all the senseless clamour raised against having a College in London, and investing a jointstock company with the government of a seminary of learning. The King's College is to be planted in London; and half the money raised is by shares, yielding, like those of the London University, an interest not 'exceeding four *per cent.*' The government, too, is vested in a council of the subscribers and shareholders, together with certain official governors,—a slight alteration upon the plan of the University. Nominees of donors and shareholders are to be preferred as students; and the work is not to be commenced until a certain sum is subscribed. These and other arrangements are exactly the same with the plan of the University; which differs in the one essential particular, of having no resident pupils or tutors. This, together with the variety of religious classes, which have contributed to the promotion of the plan, has prevented religious instruction and observances from being made any part of the course of education and discipline,—the young men who live at home being left to the domestic instruction and discipline of their parents or private teachers; and in case any difficulty should be experienced on this score, and to provide for those students who may gather round the University, their families residing elsewhere, a very obvious, but most effectual and unexceptionable arrangement appears to have been made with the sanction of the council. Two of the professors, being clergymen of the Established Church, have announced, that 'an Episcopal chapel has been obtained contiguous to the 'University, where accommodation will be afforded to the stu-

'dents for attendance on Divine service; and where a course of 'Divinity Lectures will be regularly delivered during the aca- 'demical session.' It is well known, that this measure has been promoted and aided by a number of highly respectable individuals, chiefly belonging to the University, eminent for their piety, and warm friends of the Established Church, and of great name in the country. Although the Council cannot, as a body, take any part in the execution of the plan, which must, from the nature of the thing, take place without the walls, they have nevertheless expressed their decided approval of it; and upon the same principle, they have likewise sanctioned a similar plan of two Protestant Dissenting ministers, (one of them holding the office of Librarian to the University,) who have undertaken 'to 'deliver lectures in the immediate neighbourhood, during the 'academic session, on the Evidences and General Principles of 'Revelation, the Elements of Biblical Literature, and the lead- 'ing facts of Ecclesiastical History.' Nor can it be doubted, that if any ministers of the Roman Catholic Church were to open a school in the neighbourhood, for teaching theology upon their principles, their project would meet with the like approbation. The University is to teach those things which churchmen and dissenters alike require, and heartily agree in. Those things on which they differ, must be learnt out of the University; but it is most fit that religion should be taught, and taught to all descriptions of believers, at the same time that they are going through the course of academical education. Far from discouraging such religious tuition, while many members of the University have individually favoured it, by their authority and their contributions, at least in the instance of the lectures and worship connected with the Established Church, the Council has expressed its approbation of the plan as often as it has been consulted, and has shown every desire to see the means of worship and theological instruction provided for those who, living apart from their families, may require such help.

As the Council could not interfere with the conduct of the students beyond the walls of the University, so it was manifestly impossible to exercise any direct control over the boarding-houses which might be opened for their reception. Nevertheless, for the convenience of parents and guardians, and to assist them in ascertaining the fitness of persons keeping such establishments, the bookseller of the University has been authorized to keep a register, in which, 'he may enter the names of housekeepers 'willing to receive boarders;' and he has announced the conditions upon which those names will be retained upon the list; as that the party shall produce ample testimonials of character;

that he shall require his boarders to keep regular hours; that he shall allow no gaming or other licentious conduct in his house; that his boarders shall attend some place of worship; that he shall report any irregular behaviour or serious illness to the parents, and receive none but students of the University, &c. It is also stated, that upon the rules not being complied with, the housekeeper's name shall be erased from the register, and notice of the erasure sent to the families of the boarders.

These precautions appear to be all that the Council could take to assist those residing at a distance, and desirous of sending their sons to the University, in finding a safe residence for them, and procuring the means of religious instruction. The students of this class, however, must necessarily form a very small proportion of those attending the University. The main object of its foundation was to afford the means of a complete education, upon reasonable terms, to the sons of those who reside in London, and are desirous of giving them that best of all tuition, instruction at college while they live under their parents' roof. 'Nam' (we avail ourselves of the truly felicitous quotation prefixed to the Second Statement of the Council) 'Nam vehementer intererat 'vestra qui patres estis, liberos vestros *hic* potissimum discere. 'Ubi enim aut jucundius morarentur, quam in patria? aut pu-'dicius continerentur, quam sub oculis parentum? aut minore 'sumptu, quam domi?'—PLIN. *Epist.*

We have mentioned the residence of students within the walls of King's College, as almost the only circumstance in which it differs from the London University; for it is plain, as we have proved, that the religious discipline can only be adopted in respect to residents. Religious instruction, as a compulsory part of education, is only to be exacted of those who are disposed to go through the routine of the seminary, with a view to advantages of a very limited nature, and not defined with any precision; and it is generally understood, that all tests, whether consisting in subscription to articles, or in any other manifestation of conformity, are given up, even as regards regular residents, certainly as regards occasional pupils. It appears, however, extremely doubtful, whether or not this remaining difference as to residence will continue to distinguish the two Institutions. First of all, the expense must be enormously increased by it—to a much greater extent than the authors of the measure probably contemplated at the outset. For they state L.100,000 as the sum to be subscribed, before any beginning shall be made. The London University made L.150,000 their minimum; and we find them now admitting that it is insufficient to erect their whole building, and furnish the library and museum. Near L.200,000

will probably be wanted for this purpose; certainly L.180,000; and this without any provision for residence. To afford accommodation for 200 students, that is, 200 sets of chambers for them, and additional sets for the tutors, and other resident officers, with chapel, dining-hall, combination rooms, kitchens, servants'-hall and lodgings, and all the other incidents to such an establishment, must require a very large building, perhaps half as much more as the building devoted to the lecture-rooms, library and museums. These must be as extensive in King's College as in the London University; consequently, there must be added to the L.180,000 or L.200,000 required by that Institution, at least L.50,000 or L.60,000 more, to provide for a system of resident tuition upon any scale which can be considered as real and effective. Indeed, 200 students living within the walls, could hardly be deemed the complement of a London College; and it may be fairly assumed, that either there will be no residents at all, or more than double that number. But it by no means follows, that because L.100,000 has been raised with great and most praiseworthy alacrity, in the course of less than three months, L.150,000 or L.200,000 more will be obtained in as many years; and if there is a deficiency of funds, there can be no doubt that the promoters of the design, when obliged to elect between completing the College as a day school, and leaving the means of public instruction half finished, in order to provide accommodation for resident pupils, would, without hesitation, prefer the former. In truth, little consideration is required to show, that, from the nature of the thing, day teaching must always be the principal object in any such seminary. The great use of it is to educate the children of parents living in London. Those at a distance, if obliged to pay for sending their sons from home, will have a natural leaning to prefer paying the same sums, or even a little more, and sending them to the ancient seats of learning. Persons desirous of professional education, no doubt, will prefer the London University or King's College,—as Medical and Law students. But these are quite certain also to prefer living out of the college; and would assuredly refuse to frequent any lectures, on the condition of residence and discipline. It seems very likely, therefore, that in the end the College, as well as the University, will be a seminary where day scholars are taught the various branches of learning; that the only difference will be, the permission enjoyed by the students of the former to attend theological lectures within its walls, while those of the latter receive the same course of tuition in the private seminaries hard by; and that, for the accommodation of such pupils as come from a distance, some arrangement resembling that descri-

bed above, as announced by the University, will be adopted also by the College.

It is hardly necessary to add, that the erection of the two seminaries must prove a singular benefit to the community. Not only will the establishment of King's College satisfy those who had conscientious (though, as we think, most unfounded and mistaken) scruples respecting the supposed defects of the University; not only will it relieve the fears (no better grounded, as we conceive) of such as were alarmed at seeing any collegiate body unconnected with the church,—but an incalculable advantage will be gained by the means of academical education being doubled, in a situation, where, if four colleges, instead of two, were erected, the supply would soon be found all too little for the demand. And not only will the amount of instruction be increased,—its quality will be improved. A most wholesome rivalry will be excited between the two bodies; and both the managers, in their administration, and the professors, in their tuition, will be stimulated, by competition, to furnish the prime blessing of sound and useful learning in the best manner, and on the most reasonable and convenient terms. That any the least danger to the ancient universities can arise from the utmost prosperity of both the new foundations, and of the others which assuredly, though on a more limited scale, will follow in other parts of the kingdom, we hold to be entirely out of the question. Even King's College, which, for obvious reasons, is the more likely to receive pupils at the expense of Oxford and Cambridge, can, to those great and flourishing seminaries, be an object of no alarm. Their houses are overflowing with pupils, for whom, even after great additions to their vast buildings, they can find no room. Never was there such a tendency, at least in modern times, and when the laity furnished the principal demand for academical instruction, to resort thither in quest of it. But were it necessary for the prosperity of the old establishments, that this good disposition should be increased, nothing surely is more likely to augment the number of families who send their sons to college, than the erection of the new Institutions in the immediate neighbourhood of the numberless individuals of the metropolis, till now only acquainted with universities by name. Among these will be found many, who, when the taste for academical education has been extended, will prefer Oxford or Cambridge for one son, while the others may be sent to the nearer seminaries; and as even King's College, though a more regular school of divinity than the University, will be less eligible for those destined to the sacred profession than the old endowments, to which so much valuable

patronage is annexed, we may rest assured that its greatest success will never, in any sensible degree, interfere with the interests of Oxford or Cambridge. Accordingly, the list of its patrons comprehends the names of various eminent persons, connected with those illustrious seminaries by the closest ties,—their representatives in parliament,—several heads of houses, in their individual capacity,—two or three of the colleges themselves, as bodies corporate,—and many public men, whose known attachment to the ancient universities, is the surest pledge, that, in supporting the new foundation, they feel assured they are not acting an unfriendly part towards the old.

It is impossible to survey these proceedings without the most lively gratification, at the mighty proofs which they afford of the improving spirit of the age, and the earnest, still more cheering which they give of improvement yet more universally diffused and with a more swiftly accelerated pace. Whatever may have been the motives of some in joining the founders of King's College, nay, though we were to admit what has certainly been surmised, that some among the founders themselves were actuated by feelings of a hostile nature towards the London University, or at least towards the principles of its constitution, ill understood by them, we cheerfully overlook any little impurities which may tinge the source, lost as they are in the wholesome stream that is rising from it. What friend of education could stop to inquire *why* the leaders of the hierarchy took up the cause of National Schools—when he saw that the result was to plant two or even three, for every one established before, by the more humble individuals who began the good work? Who but hailed, with unmixed delight, the entry of bishops into the wide and almost untrodden field of Infant instruction?* Where then shall bounds be placed to the joy of the advocates of knowledge, when they behold the most powerful persons in the state, the heads of the Government, the Law, and the Church, all uniting in the great effort to bring home to every man's door the benefits of a liberal education, and to domesticate among the myriads of busy men that throng the scene of all trades and all professions, and among

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* We have before adverted to the worthy and pious Bishop of Winchester, before he quitted his former diocese, calling upon his clergy to explain why Infant Schools were not founded in their several parishes. His brother, Dr J. B. Sumner, has been since raised to the Bench—one of the greatest ornaments, for talents, learning, and integrity, of the English Church—whose elevation affords a striking contrast to the wretched policy that prescribed the neglect of Paley.

the idlers that flit round the haunts of fashion and pleasure, those calm pursuits of science and letters, which were once deemed only fit for sequestered spots on the sacred streams, and for the chosen few who people their margins? In feeling thankful for the change, let us not forget that many of those who have suffered themselves to undergo it, deserve the utmost praise for the effort they must have made to conquer their prejudices; although it may be quite true, that in some, one prejudice has overcome another.

But great as the wish of all must be to see both institutions proceeding in the spirit of honest emulation to the attainment of their common object, and arduous, and hitherto successful as the efforts have been, of those who are founding King's College, to press forward their good work, some time must needs elapse before the London University can have any competitor; and we are therefore now to consider what claims to the support of the community it holds out, in the statement which the Council have published of their preparations.

It appears that the most important of the professorships have been filled up, if we except Moral Philosophy and History. Thus all the Medical School is complete, except Surgery, and that, for the present, is to be taught with Anatomy. In the School of Law, the professors of English Law and General Jurisprudence are appointed; the chair of Civil Law not being yet filled. The department of General Education is also nearly complete; there are professors of the language and literature of Greece and Rome and England; Germany, Italy, and Spain; of Mathematics and Natural Philosophy; of Chemistry, Botany, Zoology, and Comparative Anatomy; of Political Economy; of Hebrew, Hindostanee, and Oriental Literature. To the vacant chairs already mentioned, must be added those of Geology, Mineralogy, French Literature, and the application of Chemistry and Natural Philosophy to the Arts.

Where so many names of acknowledged eminence appear, it would be invidious to mention particulars; but we may state, as an indication of the desire evinced by the Council to obtain the ablest teachers in every resort of learning and science, that of the eleven professors already chosen, (excluding the Medical School and that of Modern Languages,) one is a member of Trinity College, Dublin; two of the University of Edinburgh; five of the University of Cambridge; and two of no university.*

* No one who reads the list of the Council, can for a moment suppose that the promoters of the London University have any prejudice

But some estimate may be formed, both of their capacity to teach, and of the kind of instruction which they design to give, by the outlines which the Council have published of each course of Lectures. Thus it will give an idea of the great fulness and precision with which Natural Philosophy is to be taught, if we extract, from the outline of that class, the head of Geodæsy, and show how a subject, often almost passed over, as lying on the borders of Mathematical and Physical science, is to be here thoroughly exhausted. It forms one of the five divisions of Dr Lardner's senior course.

'PART III. GEODÆSY.

'OBJECTS OF GEODÆSY;—Surveying in general—determination of the magnitude and figure of a large tract of country—Triangulation—to determine the magnitude of a spherical triangle—of the *spherical excess*—*General Roy's* rule.

'OF LEGENDRE'S METHOD;—Rule for reducing spherical triangles to equivalent plane ones—application of this rule not confined to small spherical triangles.

'OF DELAMBRE'S METHOD;—Reduction of the spherical angle to the angle under the chords—Application of this method.

'OF SIGNALS;—Day signals—Towers, spires, flagstaffs, &c.—Flat disc pierced—Night signals—White lights—Argand lamps with parabolic reflecters—Method of *Gauss*—Method of *Lieut. Drummond.*

'OF GEODÆTICAL INSTRUMENTS;—The repeating circle—The theodolite—Repeating theodolite, &c.—Corrections necessary in the angular measurements.

'OF BASES;—Methods of measuring them—Bases of verification.

'OF CORRECTIONS DEPENDING ON THE SPHEROIDAL FIGURE OF THE EARTH;—Reduction of the apparent to the geocentric latitude—Determination of the *reduced latitude*—Determination of the angle under the normal and direction of the centre—Determination of the earth's semidiameter at the station—Determination of the radius of curvature—Determination of the equatorial diameter and the eccentricity.

'ACCOUNT OF THE GREAT SURVEYS.'

There is no appearance, however, of greater minuteness and fulness in the Lectures on Natural Philosophy, than in those on all the other branches of literature and science. Indeed the great length of time devoted to the duties of their departments by the professors, will make the thorough discussion of their whole subjects a matter of necessity. The academical year lasts,

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against Oxford and Cambridge. Five of these Councillors were regularly educated at Oxford, four at Cambridge, and several others are known to have sent their sons to these seats of learning.

generally speaking, eight or nine months, and some of the professors teach every day, three or four hours; others five times a-week, and two hours a-day. But we shall better show the length of the courses of lectures, by comparing some of them with similar courses at seminaries famous for the eminence of the professors, and the diligence and success of their teaching. This will also enable us to appreciate the relative expense of the system of instruction. Let us for this purpose take Guy's Hospital, second to none in the island for every thing that can recommend it, either to patients or pupils. The two courses of Anatomy occupy there each 100 hours of instruction, and cost the pupil nine guineas; the two courses of the London University occupy 120 hours each, and cost L.7. Chemistry at Guy's is taught in two courses of 50 hours each, and for six guineas; in the London University, it is taught in two courses of twice the extent, or 100 hours each, and the fees amount to L.7. A first course of Materia Medica at Guy's occupies 34 hours, and costs three guineas; at the London University it occupies 80 hours, and costs L.3. This comparison is made by those who are intimately acquainted with the subject; but indeed their statements are plainly such as we should be led to by comparing the printed statements of the Guy's lectures, and the account given by the Council of the University. The same comparison shows that the fees of classes required by the rules of the College of Surgeons and Apothecary's Company, to be attended by candidates for diplomas, are at Guy's 45 guineas, at the University L.41 to a student nominated by a proprietor, and L.46, 10s. to one not so nominated—but for these sums he will have had at Guy's 766 hours of teaching, and at the University 1030, supposing the course of Surgery, which is not announced yet, to be only as long there as at Guy's. We need hardly add, that these comparisons are by no means introduced with the design of disparaging the education at Guy's. The great attractions of that famous hospital will always secure the attendance of a large body of pupils; but it is only rendering justice to the Council to show, that they have been most careful in redeeming the pledge originally given, that the means of instruction provided for the inhabitants of the metropolis, should be both ample and economical. No comparisons can be instituted respecting the courses of lectures on general subjects; we are therefore obliged to examine the instructions afforded in the medical schools, and we have purposely chosen the one of greatest celebrity as the standard.

There are other circumstances almost equally deserving of attention in the plan laid down by the Council and the Professors.

The continued teaching for a long period, without interruption of holidays, is a great advantage, especially in the general course of education for the younger students. The system of examinations is still more important. Every professor, without any exception, is to devote a part of each week to this essential duty; without which there can be no security that any of the pupils makes due progress, and no doubt that many, probably the bulk of them, would fail to do so. Nor is the obligation to undergo these examinations dispensed with, unless the student is willing also to forego the benefit of the certificates.

There is an arrangement made for permitting men of eminence in various branches of learning to give Occasional courses of Lectures; and it is understood that foreigners of high reputation are now in treaty with the Council for delivering such courses. Among the professors of foreign literature regularly appointed, are already to be found names of distinguished eminence; and the outlines given by them in the statement before us, sufficiently attest their capacity for performing the tasks assigned to them.

Another laudable peculiarity of the London University, is the introduction of *new* branches of academical tuition. The Professorships of Foreign Literature, are among the number of these; for they are designed not merely to teach the languages of Italy, France, Spain, Germany, and the Northern nations, but the refinements of those tongues, and the genius and history of the literature belonging to them. The Chair of General Jurisprudence is also a most important addition to the School of Law, an improvement, indeed, for the sake of which alone the foundation of a College would have been an inestimable service. The application of the several Branches of Physical Science to the Arts, presents a third improvement upon the ordinary system of instruction, although the admirable lectures of Professor Farish at Cambridge touch upon this ground; and, indeed, may afford a hint to the Council for a separate course. A separate Professorship for Zoology and Comparative Anatomy, there being of course one for Geology and Mineralogy, is also a very advantageous arrangement.

The following extract from the Statement, beside other important information, refers to a very material department of the medical school—the collection of drawings by which morbid structure is to be illustrated. We believe it may be very confidently asserted, that every promise held out in this paper, published last June, has been realized; and that before these pages see the light, the Museums will be thrown open to the public, in such a state as to justify every hope of complete success in the great work of instruction.

'The Council have set apart a portion of the funds at their disposal for Collections in Anatomy, Natural History, Books, and Philosophical apparatus; and they propose in the month of October to open the small Library and Anatomical Museum. They have to acknowledge donations of nearly 400 volumes, some of them of great value; and before the opening of the University there will be a large collection of books in the several branches of study, which will be amply sufficient, at least for the purpose of reference, and in many cases far beyond it. The Anatomical Museum will be more complete, and will, even in the first instance, contain all that the Professor of Anatomy and other Medical Professors are likely to require, with provision for its rapid and indefinite extension. The Council have availed themselves of an opportunity of adding to this Museum a more perfect collection of drawings of morbid structure than, it is believed, has hitherto been applied to the purposes of teaching and study, and which will be peculiarly valuable to the student of the Practice of Medicine. Dr A. T. Thomson is collecting a Museum of Materia Medica on a more extensive scale than has hitherto been attempted in that branch of medical science. Care will also be taken that specimens for the illustration of Zoology, Botany, and other departments requiring them, shall be provided.

'Dr Lardner, who has been specially employed in the collection of philosophical apparatus, has given the following report of his proceedings:

'"Since the period of my appointment I have employed several of the most eminent artists, and a collection is now in a very forward state, which, in scale and extent, is commensurate with the great objects of this institution. In the selection and adaptation of this apparatus, although the means of original research and philosophical investigation have not been overlooked, yet the object which has been principally contemplated is public instruction. Instruments of scientific research are frequently, either from their minuteness or delicacy, unsuited to the lecture-room. Models of these on a larger scale or coarser construction have therefore been provided. Where models, of sufficient size to give the smaller parts visible magnitude in a large theatre, would be unwieldy, well executed drawings have been resorted to. To explain the operation of machines having any degree of complexity, it is desirable to exhibit their internal structure, and to show the several parts in actual motion. This having been accomplished by sectional models, which will be very extensively used, every principal fact in Natural Philosophy and Astronomy will be represented by an experimental illustration, and every piece of apparatus will be on a scale calculated to render these illustrations impressive."

'In the other departments of science the apparatus is not of so difficult or expensive a nature. In Chemistry, Dr Turner is preparing all that is necessary to render the laboratory complete and efficient. In those departments of Mathematics where diagrams, the parts of which are not in the same plane, are used, Mr De Morgan proposes to construct apparatus, by which he will be enabled to exhibit the several lines and planes in their true positions, so as to give to solid

geometry and its applications, all the simplicity and clearness which students find in the elements of plane geometry.'

But though the difficulties, inseparable from the commencement of all novel enterprise, have now been overcome by the London University, it will still have to surmount the lesser obstacles which impede the free operation of all new mechanism. It will not at first reach its full speed; its halls will not be filled with their full number for some time; the habits of the Londoners may not for a little while incline or enable them to furnish that complement. But we confidently expect that a year or two will not elapse before this consummation is effected. The King's College will then be ready to open; and it will both find the ground smoother, and will be able to profit in various ways by the experience of its predecessor. To the improvements made by the University, the College may add others; and if errors have been committed, these may be avoided. Every wise and good man will heartily desire to see *both* these great Institutions so conducted, as that he may wish for their unbounded prosperity, and perpetual duration.

ART. XI.—*Outline of General History, Part I. Published under the superintendence of the Society for the Diffusion of Useful Knowledge.* London, Baldwin; Edinburgh, Oliver and Boyd; Glasgow, Robertson and Atkinson; Dublin, Wakeman; New York, Causels. 1828.

BEFORE calling the reader's attention to these very able and interesting publications, it seems fit that we take some notice of an objection, not certainly in its substance very new, but urged, of late, in a novel manner, against the labours of all who occupy themselves in promoting the mental improvement of the great body of the people. However well meant such efforts may be, it is said, they are producing a serious mischief, which will, in no long period of time, alter the face of society. We are far, say these objectors, from urging the old exploded argument, that the common people will cease to work, if you teach them to read or to think, and to take a delight in learning; and from pressing the still more chimerical apprehension, that learning will puff them up, which it assuredly never can do, when it is no distinction. But there are fears of a very different nature, they contend, and which deserve serious attention.—The poor will work, and, as regards one another, they will not be elated, because they will rise *equally* in the progress of improvement; but they will fill a new situation as regards their superiors; they

will no longer give rank and property their due respect; the distance will be removed, which made it easy to confront them; and the body of the people, being now better informed than the upper classes, as they are incalculably more numerous, the union of physical and moral power must shake the whole order of society, and may destroy its frame entirely. Hence, say these reasoners, although a certain share of knowledge may be both safe and wholesome for the people, it is unnecessary for their sakes, and will prove unsafe for the state, to give them a complete education in matters of science, and other liberal branches of knowledge.

We admit the inference deduced, if the fact here assumed were correctly stated. The assumption is, that the people are to acquire a liberal education, or improve rapidly, while the upper classes must remain ignorant, and stand still. If this were the case—if it were necessary that the line should be drawn to exclude the rich from the pale of knowledge, as it must needs be to exclude the mass of the people from that of wealth,—if, in a word, there were any thing to give the body of the people a monopoly of the power which resides in knowledge, as they already have, and must always have, that which resides in numbers,—it is manifest that there would be an end of the present state of society altogether. But this is not only unlike the truth; it is the reverse of the truth; and nothing but a degeneracy and self-abandonment, utterly inconceivable on the part of the upper classes, can ever make it approach to the truth. The easy circumstances in which they are happily placed, give them such an enviable command of their time, that they can always, with hardly any sacrifice, far outstrip, in mental improvement, their less fortunate neighbours. The daily labours of the working classes affix narrow limits to their studies; and although they may well, within those bounds, and without encroaching upon their hours of needful toil or repose, cultivate their faculties, store their minds with knowledge, and elevate their tastes above low pursuits, they can never hope to rise as high in these respects as persons whose time is almost entirely at their own command, and whose wealth gives them a thousand helps to learning.

We are supposing, however, that the rich, who have the means of retaining their superiority, have also the will to do so; and that for the sake of preserving their station in society, they are disposed to keep pace with the advancing knowledge of the times they live in. If there were no other reason to expect they would feel this disposition, the necessity of their doing so would be a sufficient security. It is no longer a matter of choice; they must bestow the requisite care upon their education. And here we speak of the middle as well as the upper classes of society; indeed our observations apply to them fully more than to the

aristocracy, properly so called. The progress of their inferiors will soon impress them with this truth; but steps are most judiciously taken, in the meantime, to excite in them, as well as in the working classes, a desire of knowledge, and the labours of the society are avowedly extended to the improvement of all ranks of the community. We have taught the poor to read, say they; it is our duty to see that proper books are provided for them, lest, having given them the appetite, it should seek unwholesome gratification. But it is no less our duty, they add, to stimulate the like desire of knowledge among the middle and upper classes of society; and to afford them the means of improvement which we have taught the common people to use. The truth of these positions is undeniable, and this institution, from its commencement, has acted upon it. Its plan has been to furnish plain lessons in science, and in art, at so cheap a rate, that any one may afford to possess them, and so easy to follow, that any one, with a little attention, and without the help of a master, may be able to learn by them. So that the poor, who cannot afford time or money for instruction, may learn something, and such of their superiors as have neglected their education, when knowledge was less an object of pursuit, may now teach themselves, and make up for lost time.

The Society's first work, and the one to which it has hitherto devoted most attention, is the Library of Useful Knowledge; and of this it has now published thirty-four treatises. Of their cheapness, we have frequently had occasion to speak. They compose a mass equal to near four thousand ordinary octavo pages, and are sold for seventeen shillings. The figures are numerous, original, and admirably executed. We may, in reference to this head of price, advert to the Treatise on Vegetable Physiology, published since the subject was last under discussion. It contains eighty-one figures, many of them of exquisite workmanship—and matter equal to that which would fill an octavo of about 110 pages—and is sold for sixpence.

As to the subjects, the course of Natural Philosophy, with the exception of Astronomy, is finished—that of Elementary Mathematics is begun—there being admirable treatises on Arithmetic and Algebra, Navigation, Mathematical Geography, &c. But since we last adverted to the subject, the Society have begun its series of Historical and Biographical Works; and a general meeting of the members being held in May, some material information was given as to the designs of the committee in publishing a second great work, and in adding to the first some treatises more peculiarly suited to the capacities of ignorant persons. It has been suggested, that several of the scientific publications which have already appeared are not sufficiently adapted to the common class

of readers, especially those in humble life; and it seems to have also been thought, that many persons in all conditions are likely to be repulsed in their desire for scientific information, by the forbidding aspect of even the most elementary didactic work, that systematically handles the subject. To remedy these defects, to render the systematic treatises on all branches accessible to every reader who desires to instruct himself, and at the same time to entice readers who have only and chiefly the wish to amuse themselves, and make them learn something worth knowing, while they are chiefly bent on passing away their time with a book, it appears by the proceedings at the meeting, that arrangements have been made for adding to the Library of Useful Knowledge certain popular introductions to such of the scientific works as require them, and also for publishing the second Library, that of Entertaining Knowledge, to which we formerly alluded; that it will appear early in the ensuing winter; and that the greatest pains had been bestowed upon making it as attractive by the beauty and interest of the engravings, as by the amusement, combined with useful information, belonging to the subjects. It was also announced, that to accommodate all classes of readers, while the works composing this second Library are published in weekly numbers, at the price of sixpence, the publication of no one will be commenced until the whole eight numbers, forming the volume, are ready, so that those who can afford it may purchase the whole at once. These arrangements, and indeed the nature of the works already published, of which some are principally interesting to the upper classes, plainly show that the better education of this part of society is an object very constantly kept in view. To fill the country with cheap treatises on all useful subjects, for all descriptions of the people, and to present knowledge in every shape that can make it attractive to any body of our fellow-citizens, bearing in mind that what interests one description of men in respect both of substance and manner, may not have the same charm for another, is the great duty of the Society, and of every institution which shall be formed upon the same principles.

We formerly adverted to the prospect held out in the first Report of the Committee, that the series of History and Biography, forming part of the first Library, would soon be commenced; and that the doctrines illustrated in these treatises, carefully avoiding all party bias, would be found to be those of freedom, peace, and public virtue. 'Stripping, on every occasion, successful crime of its outward splendour; honestly holding up 'vice to abhorrence in its native hideousness; above all, faithfully showing mankind that all War, except for self-defence, 'being a crime, all military glory is a national disgrace, save

'where '*arms were piously, because of necessity wielded;*' and 'plainly and impressively denouncing as disgusting, how bold, 'or clever, or thriving soever, every resource of craft, and bigotry, 'and intrigue.' The publication of these historical and biographical treatises has been for some time begun; and beside the five now before us, there are three biographies, Wolsey, Wren, and Caxton, the two last containing much curious, as well as useful information on architecture and the art of printing—the former exhibiting a just and very lively picture of the life and times of the Cardinal. That in the historical department of these works our wishes have been wholly realized, and the tone of political morality sustained throughout at the highest pitch, is perhaps more than can be asserted; for all history has been written hitherto with such a leaning towards the bad passions of mankind, that it is hardly possible for a writer to avoid falling into the accustomed error, and suffering himself to be dazzled by the many forms of successful crime which pass under the name of glory with the vulgar. But the treatises before us, if they still leave something to desiderate in the tone and keeping of the narrative, are free from the slightest taint of wilful praise bestowed on the scourges of mankind, and they abound in the most just and salutary reflections of an opposite description, for which we feel truly thankful. They are, as historical compositions, works of high merit; and may well be deemed original: For a general outline, free from the vices of an epitome, and bearing to the histories of each nation the same relation that a general map of the world does to the fuller maps of particular countries, has not before been given in a plain, narrative, and accurate shape; and a good history of Greece, indeed any history within a moderate compass untainted by party feeling, is a novelty in literature. Nor does this at all imply a disregard of the great talents and extreme learning brought to the task by some former historians of our own country.

The 'Outline of General History,' after explaining the different chronological eras, and stating the coincidence of the Mosaic accounts of the deluge, with the Greek traditions, and with recent discoveries in science, and referring to the various learning on this point, traces the history of the human race in the East, with great Biblical, as well as general research. It then pursues the annals of the nations of the Mediterranean, Greece, Carthage, Sicily, and Southern Italy; and those of the Eastern monarchies and of Egypt, along with the successors of Alexander. No extracts from a work of this kind, in which the arrangement, the learning, and the general execution are the chief merits, could do it justice. But we have much satisfaction in citing the concluding remarks upon Alexander, and his character and fame among men.

'Such were the results of Alexander's conquests, and of his early death. There is some reason for believing that the prolongation of his life might have been productive of good. Undoubtedly he had discovered views of policy much more enlarged and liberal than those commonly entertained by ancient conquerors. At the time of his death he was strenuously endeavouring to do away with the prejudices of his countrymen, and to obtain for the inhabitants of the conquered districts a recognition of their rights, and a compliance with their national feelings, to a degree which had already shocked the arrogant and exclusive opinions of his Grecian followers. Such difficulties are the natural result of conquest; and it is highly improbable that they should ever have been entirely overcome. Yet, even as it was, the civilization of some countries of the East, and especially of Egypt, gained a considerable advance from Alexander's conquest. And the foundation of Alexandria produced advantages of which he had a distinct foresight, though their magnitude must have far exceeded any degree of success which he had contemplated from this measure. Here, however, his merits terminate; and had these alone been known to historians, he never would have obtained from them the surname of Great, which he owed entirely to his military renown. Yet, if we confine our attention to his warlike career, we shall find him to have been, perhaps, the cause of more misery to mankind than any human being whose name makes a part of history. Other conquerors, it is true, have shed more blood; many have waged war on a much more cruel system; and he exhibited some instances of forbearance which were rare and unexpected in those times, although in modern warfare a contrary conduct would have been more remarkable. But no one ever bestowed such fatal brilliancy upon the hateful lust of conquest. His extraordinary abilities, his daring spirit, and the unparalleled splendour of his successes, have been the more mischievous in their example, from the amiable qualities which he united to his military propensities. To the slaughter occasioned by his own wars, must be added the bloodshed and distraction of the turbulent times which ensued upon his death; and this fearful account is to be increased by no small portion of all the suffering inflicted on mankind, by conquerors of whom Alexander has been the avowed model. No doubt it would be unjust to hold the individual morally responsible for all the mischief which he produced. A false sense of honour, a false patriotism, and a false religion, had blinded the eyes of mankind; and the effect has not yet passed away. As long as, not the spectators only, but the victims, of the crimes committed by conquerors, continue to bestow applause on the authors of their misery, it is hardly to be expected that these should be the first to discover the hollowness of such renown, and the real ignominy of such success.'

The History of Greece, like the Outline, is still unfinished; the fourth part, the latest published, only coming down to the time of Philip of Macedon. Reserving a more full criticism upon its peculiar merits for a future occasion, when it shall be entirely before us, we shall at present only give one or two passages,

in justification of the gratitude which we have already expressed towards the author of a guide to the public opinion, so truly pure and sound as breathes in these pages. Not only are the crimes of the Greek states, their fickleness, their cruelty, their base ingratitude, their unprincipled lust of conquest, their odious treachery, painted in strong colours, though with the candid allowance to be made for their want of a purer religion, and sound system of representative government, as well as jurisprudence; but the false glare is very generally taken away from the character of individuals, whom, even in Christian countries, it has become the practice to hold up as perfect, to the learner of the most tender years. Take the characters of Epaminondas and Timoleon for instances.

'Epaminondas has been ranked by many as the first and purest of Grecian worthies. There is much in his character to support the praise; but it must be taken with considerable abatement. He was a man of the most commanding genius; a devoted Theban patriot; and, as far as we can judge, singularly free from mere personal ambition, and its attendant vices of envy and ill will. His steady friendship with Pelopidas is alike honourable to both. But we cannot award him the rarer praise of love of peace, of extended regard to the welfare of Greece, of scrupulous political morality, or even of sound views of his country's true interests. Under his direction, the administration of Thebes was insatiably ambitious and overbearing. In some particular acts of tyranny, such as the expulsion of the Platæans and Thespians, and the massacre of the Orchomenians, it may be doubted whether Epaminondas was to blame; and the rather, as we have seen in the settlement of Achaia, an instance where his own measures were liberal and moderate, while his influence could not support them. But the best of his policy was to make Thebes, at whatever cost of blood or suffering, the mistress of Greece; and the last aggression on Arcadia, which was undoubtedly his measure, and might vie with the worst deeds of Sparta herself, shows that he was little scrupulous in the choice of means for effecting his purpose. The manner of his death has been the theme of general applause. Yet he was cut off in the perpetration of a great crime, by measures which, no doubt, displayed much talent, but were the certain cause of misery to unoffending thousands; and those last words, which have been so famous, seem, if indeed they have been truly reported, to have proceeded less from an enlightened love of his country, than from a personal and patriotic vanity, altogether heedless of the cost mankind might have to pay for its gratification.'

'Having everywhere established for Syracuse and for himself a superintending authority, which rested on the support of a prevailing party, like the control of Athens or Lacedæmon over their allies, Timoleon sought to restore good order, abundance, and population, to the long-afflicted island. Syracuse was still very thinly peopled, and it was torn by mutual jealousy between the remnant of the ancient Syracusans, and the numerous mercenaries and foreign adventurers, who

had been rewarded for their services with lands and houses, and admission to all the rights of citizens. At one time the struggle ripened to a civil war, of which we know not the circumstances or the issue, but, probably, it was suppressed without the ruin of either party. At once to supply the void in the city, and to strengthen his government by a body of adherents who owed their all to him, Timoleon invited colonists from Greece, and settled at one time four thousand families on the Syracusan territory, and on a neighbouring plain of great extent and fertility no less than ten thousand. Similar measures were adopted in many of the other cities, under his control. He revised the ancient laws of Syracuse, and restored them, with amendments skilfully adapted to the altered state of the commonwealth. But to amalgamate into an united people so many bodies of men of various interests, and mostly trained to war and violence, was a work only to be accomplished by the energy of one able man; and in accomplishing that work, Timoleon was both enabled and obliged, by the lawless habits of his followers, to exercise an authority not less arbitrary than that of any tyrant he had overthrown. In one most important particular, he is superior, not only to those chiefs, to Gelon and Dionysius, and to all who ever held like power in Sicily, but perhaps, to all, with the single exception of Washington, who have ever risen to the highest power in times of tumult; for he appears to have directed his endeavours honestly and wisely to the object, not of establishing a dynasty of princes, but of so settling the government, and training the people, that they should be able after his death to govern themselves without an arbitrary leader. He died highly honoured and generally beloved, and for many years after his death the whole of Sicily continued in unusual quiet and growing prosperity. Yet, in doing justice to the great qualities of Timoleon, and the sincerity of his zeal for the public good, we cannot but own, that he was unscrupulous in the choice of means, even beyond the ordinary laxity of political morality in Greece, and that his fame is tarnished by some acts of atrocious cruelty, and of gross injustice.'

We conclude with the following masterly sketch of the specific difference between Socrates, as represented by Plato and by Xenophon.

'The philosophy of Socrates was wholly promulgated in conversation, not in writing; but his doctrines and character have been handed down to us by two of his most gifted pupils. Plato, the greater of them by far, possessed a mind almost unrivalled for its completeness at all points; and uniting the greatest acuteness, vigour, and comprehension of understanding, with a most glowing and poetical imagination, and matchless dignity, power, and beauty of style. But his genius was too original and peculiar to fit him for the mere reporter of another's opinions, and much of what he has written under the name of Socrates, must be considered as his own. The bias of his mind was to abstract speculation; to the discovery of the principles of morality, rather than the application of its precepts to particular cases. In his fondness for lofty contemplations, he sometimes slides into mysticism and obscurity,—a tendency which is not observable in the discourses

of Socrates, as delivered by his other celebrated disciple Xenophon. The acuteness of Plato's Socrates in confounding the arrogant falsehood of the sophists, and his skill and patience in developing the reasoning powers of his younger associates, are probably faithful copies from the great original: but his deep and subtle speculations on the nature of moral beauty and goodness, however admirable in themselves, appear to be characteristic of the writer, rather than his master; whose turn of thought seems more truly expressed by the sobriety of mind and practical good sense which are everywhere visible in the Socrates of Xenophon.'

Upon these things we fondly dwell. They are worthy of the Society. If to teach men the sciences, which help them in their ordinary pursuits to better their condition, or afford them innocent recreation, or elevate and improve their minds, be to impart useful knowledge; assuredly it is conferring no less precious a blessing upon the species, *practically* to inculcate those principles, and to cherish those feelings, which, if they prevailed generally, in but a small degree of the intenseness wherewithal they glow in the bosoms of the wise and the good of all sects and all parties, would banish from the earth cruelty and oppression, but chiefly war—the worst enemy of human happiness, and to every effectual improvement, the insurmountable obstacle.

Note by the Editor.

We think it right to state, that the extracts and references to Lauder's old poem "on the Office and Deuty of Kynges," &c. which appear in the note beginning on page 507 of the article on Dr Jamieson's Dictionary in our last number, were borrowed from a recent number of "the Crypt," to which we were certainly indebted for our knowledge of that curious production. The learned editor of "the Crypt" has complained, and with justice, of our having omitted this acknowledgment at the time—and is also dissatisfied with some corrections we had suggested on his Glossary. He may have some grounds perhaps for this also; but the less that is said on the subject the better, we suspect, for both parties—as, on looking back to the passage, we see reason to think that both he and we are still liable to castigation. We can very conscientiously assure him, however, that any slight he may think we have put upon him, has been entirely casual—and that we think very favourably of his journal, and shall be most happy at all times, directly or indirectly, to contribute to its success.

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THE

EDINBURGH REVIEW.

DECEMBER, 1828.

No. XCVI.

ART. I.—*The Life of Robert Burns.* By J. G. LOCKHART, LL.B. Edinburgh, 1828.

IN the modern arrangements of society, it is no uncommon thing that a man of genius must, like Butler, 'ask for bread 'and receive a stone;' for in spite of our grand maxim of supply and demand, it is by no means the highest excellence that men are most forward to recognise. The inventor of a spinning-jenny is pretty sure of his reward in his own day; but the writer of a true poem, like the apostle of a true religion, is nearly as sure of the contrary. We do not know whether it is not an aggravation of the injustice, that there is generally a posthumous retribution. Robert Burns, in the course of nature, might yet have been living: but his short life was spent in toil and penury; and he died in the prime of his manhood, miserable and neglected; and yet already a brave mausoleum shines over his dust, and more than one splendid monument has been reared in other places to his fame: the street where he languished in poverty is called by his name; the highest personages in our literature have been proud to appear as his commentators and admirers, and here is the *sixth* narrative of his *Life*, that has been given to the world!

Mr Lockhart thinks it necessary to apologize for this new attempt on such a subject: but his readers, we believe, will readily acquit him; or, at worst, will censure only the performance of his task, not the choice of it. The character of Burns, indeed, is a theme that cannot easily become either trite or exhausted; and will probably gain rather than lose in its dimensions by the distance to which it is removed by Time. No man, it has been said, is a hero to his valet: and this is probably true; but the

fault is at least as likely to be the valet's as the hero's: For it is certain that to the vulgar eye few things are wonderful that are not distant. It is difficult for men to believe that the man, the mere man whom they see, nay, perhaps painfully feel, toiling at their side through the poor jostlings of existence, can be made of finer clay than themselves. Suppose that some dining acquaintance of Sir Thomas Lucy's, and neighbour of John a Combe's, had snatched an hour or two from the preservation of his game, and written us a Life of Shakspeare! What dissertations should we not have had,—not on *Hamlet* and *The Tempest*, but on the wool-trade, and deer-stealing, and the libel and vagrant laws! and how the Poacher became a Player; and how Sir Thomas and Mr John had Christian bowels, and did not push him to extremities! In like manner we believe, with respect to Burns, that till the companions of his pilgrimage, the Honourable Excise Commissioners, and the Gentlemen of the Caledonian Hunt, and the Dumfries Aristocracy, and all the Squires and Earls, equally with the Ayr Writers, and the New and Old Light Clergy, whom he had to do with, shall have become invisible in the darkness of the Past, or visible only by light borrowed from *his* juxtaposition, it will be difficult to measure him by any true standard, or to estimate what he really was and did, in the eighteenth century, for his country and the world. It will be difficult, we say; but still a fair problem for literary historians; and repeated attempts will give us repeated approximations.

His former biographers have done something, no doubt, but by no means a great deal, to assist us. Dr Currie and Mr Walker, the principal of these writers, have both, we think, mistaken one essentially important thing: Their own and the world's true relation to their author, and the style in which it became such men to think and to speak of such a man. Dr Currie loved the poet truly; more perhaps than he avowed to his readers, or even to himself; yet he everywhere introduces him with a certain patronising, apologetic air; as if the polite public might think it strange and half unwarrantable that he, a man of science, a scholar, and gentleman, should do such honour to a rustic. In all this, however, we readily admit that his fault was not want of love, but weakness of faith; and regret that the first and kindest of all our poet's biographers, should not have seen farther, or believed more boldly what he saw. Mr Walker offends more deeply in the same kind: and both err alike in presenting us with a detached catalogue of his several supposed attributes, virtues, and vices, instead of a delineation of the resulting character as a living unity. This, however, is not painting a portrait; but gauging the length and breadth of the several features, and jot-

ting down their dimensions in arithmetical ciphers. Nay, it is not so much as this: for we are yet to learn by what arts or instruments the mind *could* be so measured and gauged.

Mr Lockhart, we are happy to say, has avoided both these errors. He uniformly treats Burns as the high and remarkable man the public voice has now pronounced him to be: and in delineating him, he has avoided the method of separate generalities, and rather sought for characteristic incidents, habits, actions, sayings; in a word, for aspects which exhibit the whole man, as he looked and lived among his fellows. The book accordingly, with all its deficiencies, gives more insight, we think, into the true character of Burns, than any prior biography: though, being written on the very popular and condensed scheme of an article for *Constable's Miscellany*, it has less depth than we could have wished and expected from a writer of such power; and contains rather more, and more multifarious quotations, than belong of right to an original production. Indeed, Mr Lockhart's own writing is generally so good, so clear, direct and nervous, that we seldom wish to see it making place for another man's. However, the spirit of the work is throughout candid, tolerant, and anxiously conciliating; compliments and praises are liberally distributed, on all hands, to great and small; and, as Mr Morris Birkbeck observes of the society in the backwoods of America, 'the courtesies of polite life are never lost 'sight of for a moment.' But there are better things than these in the volume; and we can safely testify, not only that it is easily and pleasantly read a first time, but may even be without difficulty read again.

Nevertheless, we are far from thinking that the problem of Burns's Biography has yet been adequately solved. We do not allude so much to deficiency of facts or documents,—though of these we are still every day receiving some fresh accession,—as to the limited and imperfect application of them to the great end of Biography. Our notions upon this subject may perhaps appear extravagant; but if an individual is really of consequence enough to have his life and character recorded for public remembrance, we have always been of opinion, that the public ought to be made acquainted with all the inward springs and relations of his character. How did the world and man's life, from his particular position, represent themselves to his mind? How did coexisting circumstances modify him from without; how did he modify these from within? With what endeavours and what efficacy rule over them; with what resistance and what suffering sink under them? In one word, what and how produced was the effect of society on him; what and how produced was

his effect on society? He who should answer these questions, in regard to any individual, would, as we believe, furnish a model of perfection in biography. Few individuals, indeed, can deserve such a study; and many *lives* will be written, and, for the gratification of innocent curiosity, ought to be written, and read, and forgotten, which are not in this sense *biographies*. But Burns, if we mistake not, is one of these few individuals; and such a study, at least with such a result, he has not yet obtained. Our own contributions to it, we are aware, can be but scanty and feeble; but we offer them with good-will, and trust they may meet with acceptance from those for whom they are intended.

Burns first came upon the world as a prodigy; and was, in that character, entertained by it, in the usual fashion, with loud, vague, tumultuous wonder, speedily subsiding into censure and neglect; till his early and most mournful death again awakened an enthusiasm for him, which, especially as there was now nothing to be done, and much to be spoken, has prolonged itself even to our own time. It is true, the 'nine days' have long since elapsed; and the very continuance of this clamour proves that Burns was no vulgar wonder. Accordingly, even in sober judgments, where, as years passed by, he has come to rest more and more exclusively on his own intrinsic merits, and may now be wellnigh shorn of that casual radiance, he appears not only as a true British poet, but as one of the most considerable British men of the eighteenth century. Let it not be objected that he did little: He did much, if we consider where and how. If the work performed was small, we must remember that he had his very materials to discover; for the metal he worked in lay hid under the desert, where no eye but his had guessed its existence; and we may almost say that, with his own hand, he had to construct the tools for fashioning it. For he found himself in deepest obscurity, without help, without instruction, without model; or with models only of the meanest sort. An educated man stands, as it were, in the midst of a boundless arsenal and magazine, filled with all the weapons and engines which man's skill has been able to devise from the earliest time; and he works accordingly, with a strength borrowed from all past ages. How different is *his* state who stands on the outside of that storehouse, and feels that its gates must be stormed, or remain for ever shut against him! His means are the commonest and rudest; the mere work done is no measure of his strength. A dwarf behind his steam-engine may remove mountains; but no dwarf will hew them down with the pickaxe; and he must be a Titan that hurls them abroad with his arms.

It is in this last shape that Burns presents himself. Born in an age the most prosaic Britain had yet seen, and in a condition the most disadvantageous, where his mind, if it accomplished aught, must accomplish it under the pressure of continual bodily toil, nay, of penury and desponding apprehension of the worst evils, and with no furtherance but such knowledge as dwells in a poor man's hut, and the rhymes of a Ferguson or Ramsay for his standard of beauty, he sinks not under all these impediments: Through the fogs and darkness of that obscure region, his eagle eye discerns the true relations of the world and human life; he grows into intellectual strength, and trains himself to intellectual expertness. Impelled by the irrepressible movement of his inward spirit, he struggles forward into the general view, and with haughty modesty lays down before us, as the fruit of his labour, a gift, which Time has now pronounced imperishable. Add to all this, that his darksome drudging childhood and youth was by far the kindliest era of his whole life; and that he died in his thirty-seventh year: and then ask if it be strange that his poems are imperfect, and of small extent, or that his genius attained no mastery in its art? Alas, his Sun shone as through a tropical tornado; and the pale Shadow of Death eclipsed it at noon! Shrouded in such baleful vapours, the genius of Burns was never seen in clear azure splendour, enlightening the world: But some beams from it did, by fits, pierce through; and it tinted those clouds with rainbow and orient colours into a glory and stern grandeur, which men silently gazed on, with wonder and tears!

We are anxious not to exaggerate; for it is exposition rather than admiration that our readers require of us here; and yet to avoid some tendency to that side, is no easy matter. We love Burns, and we pity him; and love and pity are prone to magnify. Criticism, it is sometimes thought, should be a cold business; we are not so sure of this; but at all events, our concern with Burns is not exclusively that of critics. True and genial as his poetry must appear, it is not chiefly as a poet, but as a man, that he interests and affects us. He was often advised to write a tragedy: time and means were not lent him for this; but through life he enacted a tragedy, and one of the deepest. We question whether the world has since witnessed so utterly sad a scene; whether Napoleon himself, left to brawl with Sir Hudson Lowe, and perish on his rock, 'amid the melancholy main,' presented to the reflecting mind such a 'spectacle of pity and fear,' as did this intrinsically nobler, gentler, and perhaps greater soul, wasting itself away in a hopeless struggle with base entanglements, which coiled closer and closer round him, till only Death opened

him an outlet. Conquerors are a race with whom the world could well dispense; nor can the hard intellect, the unsympathizing loftiness, and high but selfish enthusiasm of such persons, inspire us in general with any affection; at best, it may excite amazement; and their fall, like that of a pyramid, will be beheld with a certain sadness and awe. But a true Poet, a man in whose heart resides some effluence of Wisdom, some tone of the 'Eternal Melodies,' is the most precious gift that can be bestowed on a generation: we see in him a freer, purer developement of whatever is noblest in ourselves; his life is a rich lesson to us, and we mourn his death, as that of a benefactor who loved and taught us.

Such a gift had Nature in her bounty bestowed on us in Robert Burns; but with queenlike indifference she cast it from her hand, like a thing of no moment; and it was defaced and torn asunder, as an idle bauble, before we recognised it. To the ill-starred Burns was given the power of making man's life more venerable, but that of wisely guiding his own was not given. Destiny—for so in our ignorance we must speak—his faults, the faults of others, proved too hard for him; and that spirit, which might have soared, could it but have walked, soon sank to the dust, its glorious faculties trodden under foot in the blossom, and died, we may almost say, without ever having lived. And so kind and warm a soul; so full of inborn riches, of love to all living and lifeless things! How his heart flows out in sympathy over universal Nature; and in her bleakest provinces, discerns a beauty and a meaning! The 'Daisy' falls not unheeded under his ploughshare; nor the ruined nest of that 'wee, cowering, 'timorous beastie,' cast forth, after all its provident pains, to 'thole the sleety dribble, and cranreuch cauld.' The 'hoar vi-'sage' of Winter delights him: he dwells with a sad and oft-returning fondness in these scenes of solemn desolation; but the voice of the tempest becomes an anthem to his ears; he loves to walk in the sounding woods, for 'it raises his thoughts to *Him* '*that walketh on the wings of the wind.*' A true Poet-soul, for it needs but to be struck, and the sound it yields will be music! But observe him chiefly as he mingles with his brother men. What warm, all-comprehending fellow-feeling, what trustful, boundless love, what generous exaggeration of the object loved! His rustic friend, his nut-brown maiden, are no longer mean and homely, but a hero and a queen, whom he prizes as the paragons of Earth. The rough scenes of Scottish life, not seen by him in any Arcadian illusion, but in the rude contradiction, in the smoke and soil of a too harsh reality, are still lovely to him: Poverty is indeed his companion, but Love also, and Courage; the simple

feelings, the worth, the nobleness, that dwell under the straw roof, are dear and venerable to his heart: and thus over the lowest provinces of man's existence, he pours the glory of his own soul; and they rise, in shadow and sunshine, softened and brightened into a beauty which other eyes discern not in the highest. He has a just self-consciousness, which too often degenerates into pride; yet it is a noble pride, for defence, not for offence, no cold, suspicious feeling, but a frank and social one. The peasant Poet bears himself, we might say, like a King in exile: he is cast among the low, and feels himself equal to the highest; yet he claims no rank, that none may be disputed to him. The forward he can repel, the supercilious he can subdue; pretensions of wealth or ancestry are of no avail with him; there is a fire in that dark eye, under which the 'insolence of condescension' cannot thrive. In his abasement, in his extreme need, he forgets not for a moment the majesty of Poetry and Manhood. And yet, far as he feels himself above common men, he wanders not apart from them, but mixes warmly in their interests; nay, throws himself into their arms; and, as it were, intreats them to love him. It is moving to see how, in his darkest despondency, this proud being still seeks relief from friendship; unbosoms himself, often to the unworthy; and, amid tears, strains to his glowing heart a heart that knows only the name of friendship. And yet he was 'quick to learn;' a man of keen vision, before whom common disguises afforded no concealment. His understanding saw through the hollowness even of accomplished deceivers; but there was a generous credulity in his Heart. And so did our Peasant show himself among us; 'a soul like an Æolian harp, in whose strings the vulgar wind, as it passed through them, changed itself into articulate melody.' And this was he for whom the world found no fitter business than quarrelling with smugglers and vintners, computing excise dues upon tallow, and gauging alebarrels! In such toils was that mighty Spirit sorrowfully wasted; and a hundred years may pass on, before another such is given us to waste.

All that remains of Burns, the Writings he has left, seem to us, as we hinted above, no more than a poor mutilated fraction of what was in him; brief, broken glimpses of a genius that could never show itself complete; that wanted all things for completeness: culture, leisure, true effort, nay, even length of life. His poems are, with scarcely any exception, mere occasional effusions, poured forth with little premeditation, expressing, by such means as offered, the passion, opinion, or humour of the hour. Never in one instance was it permitted him to grap-

ple with any subject with the full collection of his strength, to fuse and mould it in the concentrated fire of his genius. To try by the strict rules of Art such imperfect fragments, would be at once unprofitable and unfair. Nevertheless, there is something in these poems, marred and defective as they are, which forbids the most fastidious student of poetry to pass them by. Some sort of enduring quality they must have : for, after fifty years of the wildest vicissitudes in poetic taste, they still continue to be read ; nay, are read more and more eagerly, more and more extensively ; and this not only by literary virtuosos, and that class upon whom transitory causes operate most strongly, but by all classes, down to the most hard, unlettered, and truly natural class, who read little, and especially no poetry, except because they find pleasure in it. The grounds of so singular and wide a popularity, which extends, in a literal sense, from the palace to the hut, and over all regions where the English tongue is spoken, are well worth inquiring into. After every just deduction, it seems to imply some rare excellence in these works. What is that excellence ?

To answer this question will not lead us far. The excellence of Burns is, indeed, among the rarest, whether in poetry or prose ; but, at the same time, it is plain and easily recognised : his *Sincerity*, his indisputable air of Truth. Here are no fabulous woes or joys ; no hollow fantastic sentimentalities ; no wiredrawn refinings, either in thought or feeling : the passion that is traced before us has glowed in a living heart ; the opinion he utters has risen in his own understanding, and been a light to his own steps. He does not write from hearsay, but from sight and experience ; it is the scenes he has lived and laboured amidst, that he describes : those scenes, rude and humble as they are, have kindled beautiful emotions in his soul, noble thoughts, and definite resolves ; and he speaks forth what is in him, not from any outward call of vanity or interest, but because his heart is too full to be silent. He speaks it, too, with such melody and modulation as he can ; 'in homely rustic jingle ;' but it is his own, and genuine. This is the grand secret for finding readers and retaining them : let him who would move and convince others, be first moved and convinced himself. Horace's rule, *Si vis me flere*, is applicable in a wider sense than the literal one. To every poet, to every writer, we might say : Be true, if you would be believed. Let a man but speak forth with genuine earnestness the thought, the emotion, the actual condition, of his own heart, and other men, so strangely are we all knit together by the tie of sympathy, must and will give heed to him. In culture, in extent of view, we may stand above the speaker, or below him ; but in either case, his words, if they are earnest and sincere, will find some response within

us; for in spite of all casual varieties in outward rank, or inward, as face answers to face, so does the heart of man to man.

This may appear a very simple principle, and one which Burns had little merit in discovering. True, the discovery is easy enough: but the practical appliance is not easy; is indeed the fundamental difficulty which all poets have to strive with, and which scarcely one in the hundred ever fairly surmounts. A head too dull to discriminate the true from the false; a heart too dull to love the one at all risks, and to hate the other in spite of all temptations, are alike fatal to a writer. With either, or, as more commonly happens, with both, of these deficiencies, combine a love of distinction, a wish to be original, which is seldom wanting, and we have Affectation, the bane of literature, as Cant, its elder brother, is of morals. How often does the one and the other front us, in poetry, as in life! Great poets themselves are not always free of this vice; nay, it is precisely on a certain sort and degree of greatness that it is most commonly ingrafted. A strong effort after excellence will sometimes solace itself with a mere shadow of success, and he who has much to unfold, will sometimes unfold it imperfectly. Byron, for instance, was no common man: yet if we examine his poetry with this view, we shall find it far enough from faultless. Generally speaking, we should say that it is not true. He refreshes us, not with the divine fountain, but too often with vulgar strong waters, stimulating indeed to the taste, but soon ending in dislike, or even nausea. Are his Harolds and Giaours, we would ask, real men, we mean, poetically consistent and conceivable men? Do not these characters, does not the character of their author, which more or less shines through them all, rather appear a thing put on for the occasion; no natural or possible mode of being, but something intended to look much grander than nature? Surely, all these stormful agonies, this volcanic heroism, superhuman contempt, and moody desperation, with so much scowling, and teeth-gnashing, and other sulphurous humours, is more like the brawling of a player in some paltry tragedy, which is to last three hours, than the bearing of a man in the business of life, which is to last three score and ten years. To our minds, there is a taint of this sort, something which we should call theatrical, false, and affected, in every one of these otherwise powerful pieces. Perhaps *Don Juan*, especially the latter parts of it, is the only thing approaching to a *sincere* work, he ever wrote; the only work where he showed himself, in any measure, as he was; and seemed so intent on his subject as, for moments, to forget himself. Yet Byron hated this vice; we believe, heartily detested it: nay, he had declared formal war

against it in words. So difficult is it even for the strongest to make this primary attainment, which might seem the simplest of all: to *read its own consciousness without mistakes*, without errors involuntary or wilful! We recollect no poet of Burns's susceptibility who comes before us from the first, and abides with us to the last, with such a total want of affectation. He is an honest man, and an honest writer. In his successes and his failures, in his greatness and his littleness, he is ever clear, simple, true, and glitters with no lustre but his own. We reckon this to be a great virtue; to be, in fact, the root of most other virtues, literary as well as moral.

It is necessary, however, to mention, that it is to the poetry of Burns that we now allude; to those writings which he had time to meditate, and where no special reason existed to warp his critical feeling, or obstruct his endeavour to fulfil it. Certain of his Letters, and other fractions of prose composition, by no means deserve this praise. Here, doubtless, there is not the same natural truth of style; but on the contrary, something not only stiff, but strained and twisted; a certain high-flown inflated tone; the stilting emphasis of which contrasts ill with the firmness and rugged simplicity of even his poorest verses. Thus no man, it would appear, is altogether unaffected. Does not Shakspeare himself sometimes premeditate the sheerest bombast! But even with regard to these Letters of Burns, it is but fair to state that he had two excuses. The first was his comparative deficiency in language. Burns, though for most part he writes with singular force, and even gracefulness, is not master of English prose, as he is of Scottish verse; not master of it, we mean, in proportion to the depth and vehemence of his matter. These Letters strike us as the effort of a man to express something which he has no organ fit for expressing. But a second and weightier excuse is to be found in the peculiarity of Burns's social rank. His correspondents are often men whose relation to him he has never accurately ascertained; whom therefore he is either forearming himself against, or else unconsciously flattering, by adopting the style he thinks will please them. At all events, we should remember that these faults even in his Letters, are not the rule, but the exception. Whenever he writes, as one would ever wish to do, to trusted friends and on real interests, his style becomes simple, vigorous, expressive, sometimes even beautiful. His Letters to Mrs Dunlop are uniformly excellent.

But we return to his poetry. In addition to its sincerity, it has another peculiar merit, which indeed is but a mode, or per-

haps a means, of the foregoing. It displays itself in his choice of subjects, or rather in his indifference as to subjects, and the power he has of making all subjects interesting. The ordinary poet, like the ordinary man, is for ever seeking in external circumstances the help which can be found only in himself. In what is familiar and near at hand, he discerns no form or comeliness: home is not poetical but prosaic; it is in some past, distant, conventional world, that poetry resides for him; were he there and not here, were he thus and not so, it would be well with him. Hence our innumerable host of rose-coloured novels and iron-mailed epics, with their locality not on the Earth, but somewhere nearer to the Moon. Hence our Virgins of the Sun, and our Knights of the Cross, malicious Saracens in turbans, and copper-coloured Chiefs in wampum, and so many other truculent figures from the heroic times or the heroic climates, who on all hands swarm in our poetry. Peace be with them! But yet as a great moralist proposed preaching to the men of this century, so would we fain preach to the poets 'a sermon 'on the duty of staying at home.' Let them be sure that heroic ages and heroic climates can do little for them. That form of life has attraction for us, less because it is better or nobler than our own, than simply because it is different; and even this attraction must be of the most transient sort. For will not our own age, one day, be an ancient one; and have as quaint a costume as the rest; not contrasted with the rest, therefore, but ranked along with them, in respect of quaintness? Does Homer interest us now, because he wrote of what passed out of his native Greece, and two centuries before he was born; or because he wrote of what passed in God's world, and in the heart of man, which is the same after thirty centuries? Let our poets look to this: is their feeling really finer, truer, and their vision deeper than that of other men, they have nothing to fear, even from the humblest subject; is it not so,—they have nothing to hope, but an ephemeral favour, even from the highest.

The poet, we cannot but think, can never have far to seek for a subject: the elements of his art are in him, and around him on every hand; for him the Ideal world is not remote from the Actual, but under it and within it: nay, he is a poet, precisely because he can discern it there. Wherever there is a sky above him, and a world around him, the poet is in his place; for here too is man's existence, with its infinite longings and small acquirings; its ever-thwarted, ever-renewed endeavours; its unspeakable aspirations, its fears and hopes that wander through Eternity; and all the mystery of brightness and of gloom that it was ever

made of, in any age or climate, since man first began to live. Is there not the fifth act of a Tragedy in every death-bed, tho' it were a peasant's, and a bed of heath? And are wooings and weddings obsolete, that there can be Comedy no longer? Or are men suddenly grown wise, that Laughter must no longer shake his sides, but be cheated of his Farce? Man's life and nature is, as it was, and as it will ever be. But the poet must have an eye to read these things, and a heart to understand them; or they come and pass away before him in vain. He is a *vates*, a seer; a gift of vision has been given him. Has life no meanings for him, which another cannot equally decipher? then he is no poet, and Delphi itself will not make him one.

In this respect, Burns, though not perhaps absolutely a great poet, better manifests his capability, better proves the truth of his genius, than if he had, by his own strength, kept the whole Minerva Press going, to the end of his literary course. He shows himself at least a poet of Nature's own making; and Nature, after all, is still the grand agent in making poets. We often hear of this and the other external condition being requisite for the existence of a poet. Sometimes it is a certain sort of training; he must have studied certain things, studied for instance 'the elder dramatists,' and so learned a poetic language; as if poetry lay in the tongue, not in the heart. At other times we are told, he must be bred in a certain rank, and must be on a confidential footing with the higher classes; because, above all other things, he must see the world. As to seeing the world, we apprehend this will cause him little difficulty, if he have but an eye to see it with. Without eyes, indeed, the task might be hard. But happily every poet is born *in* the world; and sees it, with or against his will, every day and every hour he lives. The mysterious workmanship of man's heart, the true light and the inscrutable darkness of man's destiny, reveal themselves not only in capital cities, and crowded saloons, but in every hut and hamlet where men have their abode. Nay, do not the elements of all human virtues, and all human vices; the passions at once of a Borgia and of a Luther, lie written, in stronger or fainter lines, in the consciousness of every individual bosom, that has practised honest self-examination? Truly, this same world may be seen in Mossgiel and Tarbolton, if we look well, as clearly as it ever came to light in Crockford's, or the Tuileries itself.

But sometimes still harder requisitions are laid on the poor aspirant to poetry; for it is hinted that he should have *been born* two centuries ago; inasmuch as poetry, soon after that date, vanished from the earth, and became no longer attainable by men!

Such cobweb speculations have, now and then, overhung the field of literature; but they obstruct not the growth of any plant there: the Shakspeare, or the Burns, unconsciously, and merely as he walks onward, silently brushes them away. Is not every genius an impossibility till he appear? Why do we call him new and original, if *we* saw where his marble was lying, and what fabric he could rear from it? It is not the material but the workman that is wanting. It is not the dark *place* that hinders, but the dim *eye*. A Scottish peasant's life was the meanest and rudest of all lives, till Burns became a poet in it, and a poet of it; found it a *man's* life, and therefore significant to men. A thousand battle-fields remain unsung; but the *Wounded Hare* has not perished without its memorial; a balm of mercy yet breathes on us from its dumb agonies, because a poet was there. Our *Halloween* had passed and repassed, in rude awe and laughter, since the era of the Druids; but no Theocritus, till Burns, discerned in it the materials of a Scottish Idyl: neither was the *Holy Fair* any *Council of Trent*, or Roman *Jubilee;* but nevertheless, *Superstition*, and *Hypocrisy*, and *Fun* having been propitious to him, in this man's hand it became a poem, instinct with satire, and genuine comic life. Let but the true poet be given us, we repeat it, place him where and how you will, and true poetry will not be wanting.

Independently of the essential gift of poetic feeling, as we have now attempted to describe it, a certain rugged sterling worth pervades whatever Burns has written: a virtue as of green fields and mountain breezes, dwells in his poetry; it is redolent of natural life, and hardy natural men. There is a decisive strength in him, and yet a sweet native gracefulness: he is tender, and he is vehement, yet without constraint or too visible effort; he melts the heart, or inflames it, with a power which seems habitual and familiar to him. We see in him the gentleness, the trembling pity of a woman, with the deep earnestness, the force and passionate ardour of a hero. Tears lie in him, and consuming fire; as lightning lurks in the drops of the summer cloud. He has a resonance in his bosom for every note of human feeling; the high and the low, the sad, the ludicrous, the joyful, are welcome in their turns to his 'lightly-moved and all-'conceiving spirit.' And observe with what a prompt and eager force he grasps his subject, be it what it may! How he fixes, as it were, the full image of the matter in his eye; full and clear in every lineament; and catches the real type and essence of it, amid a thousand accidents and superficial circumstances, no one of which misleads him! Is it of reason; some truth to be

discovered? No sophistry, no vain surface-logic detains him; quick, resolute, unerring, he pierces through into the marrow of the question; and speaks his verdict with an emphasis that cannot be forgotten. Is it of description; some visual object to be represented? No poet of any age or nation is more graphic than Burns: the characteristic features disclose themselves to him at a glance; three lines from his hand, and we have a likeness. And, in that rough dialect, in that rude, often awkward, metre, so clear and definite a likeness! It seems a draughtsman working with a burnt stick; and yet the burin of a Retsch is not more expressive or exact.

This clearness of sight we may call the foundation of all talent; for in fact, unless we *see* our object, how shall we know how to place or prize it, in our understanding, our imagination, our affections? Yet it is not in itself perhaps a very high excellence; but capable of being united indifferently with the strongest, or with ordinary powers. Homer surpasses all men in this quality: but strangely enough, at no great distance below him are Richardson and Defoe. It belongs, in truth, to what is called a lively mind; and gives no sure indication of the higher endowments that may exist along with it. In all the three cases we have mentioned, it is combined with great garrulity; their descriptions are detailed, ample, and lovingly exact; Homer's fire bursts through, from time to time, as if by accident; but Defoe and Richardson have no fire. Burns, again, is not more distinguished by the clearness than by the impetuous force of his conceptions. Of the strength, the piercing emphasis with which he thought, his emphasis of expression may give a humble but the readiest proof. Who ever uttered sharper sayings than his; words more memorable, now by their burning vehemence, now by their cool vigour and laconic pith? A single phrase depicts a whole subject, a whole scene. Our Scottish forefathers in the battle-field struggled forward, he says, '*red-wat shod*:' giving in this one word, a full vision of horror and carnage, perhaps too frightfully accurate for Art!

In fact, one of the leading features in the mind of Burns is this vigour of his strictly intellectual perceptions. A resolute force is ever visible in his judgments, as in his feelings and volitions. Professor Stewart says of him, with some surprise: 'All 'the faculties of Burns's mind were, as far as I could judge, 'equally vigorous; and his predilection for poetry was rather 'the result of his own enthusiastic and impassioned temper, than 'of a genius exclusively adapted to that species of composition. 'From his conversation I should have pronounced him to be

'fitted to excel in whatever walk of ambition he had chosen to 'exert his abilities.' But this, if we mistake not, is at all times the very essence of a truly poetical endowment. Poetry, except in such cases as that of Keats, where the whole consists in extreme sensibility, and a certain vague pervading tunefulness of nature, is no separate faculty, no organ which can be superadded to the rest, or disjoined from them; but rather the result of their general harmony and completion. The feelings, the gifts, that exist in the Poet, are those that exist, with more or less developement, in every human soul: the imagination, which shudders at the Hell of Dante, is the same faculty, weaker in degree, which called that picture into being. How does the poet speak to all men, with power, but by being still more a man than they? Shakspeare, it has been well observed, in the planning and completing of his tragedies, has shown an Understanding, were it nothing more, which might have governed states, or indited a *Novum Organum.* What Burns's force of understanding may have been, we have less means of judging: for it dwelt among the humblest objects, never saw philosophy, and never rose, except for short intervals, into the region of great ideas. Nevertheless sufficient indication remains for us in his works: we discern the brawny movements of a gigantic though untutored strength, and can understand how, in conversation, his quick sure insight into men and things may, as much as aught else about him, have amazed the best thinkers of his time and country.

But, unless we mistake, the intellectual gift of Burns is fine as well as strong. The more delicate relations of things could not well have escaped his eye, for they were intimately present to his heart. The logic of the senate and the forum is indispensable, but not all sufficient; nay, perhaps the highest Truth is that which will the most certainly elude it. For this logic works by words, and 'the highest,' it has been said, 'cannot be 'expressed in words.' We are not without tokens of an openness for this higher truth also, of a keen though uncultivated sense for it, having existed in Burns. Mr Stewart, it will be remembered, 'wonders,' in the passage above quoted, that Burns had formed some distinct conception of the 'doctrine of associa-'tion.' We rather think that far subtler things than the doctrine of association had from of old been familiar to him. Here for instance:

'We know nothing,' thus writes he, 'or next to nothing, of the structure of our souls, so we cannot account for those seeming caprices in them, that one should be particularly pleased with this thing, or struck with that, which, on minds of a different cast, makes no extra-

ordinary impression. I have some favourite flowers in spring, among which are the mountain-daisy, the hare-bell, the fox-glove, the wild-brier rose, the budding birch, and the hoary hawthorn, that I view and hang over with particular delight. I never hear the loud solitary whistle of the curlew in a summer noon, or the wild mixing cadence of a troop of grey plover in an autumnal morning, without feeling an elevation of soul like the enthusiasm of devotion or poetry. Tell me, my dear friend, to what can this be owing. Are we a piece of machinery, which, like the Æolian harp, passive, takes the impression of the passing accident? or do these workings argue something within us above the trodden clod? I own myself partial to such proofs of those awful and important realities: a God that made all things, man's immaterial and immortal nature, and a world of weal or woe beyond death and the grave.'

Force and fineness of understanding are often spoken of as something different from general force and fineness of nature, as something partly independent of them. The necessities of language probably require this; but in truth these qualities are not distinct and independent: except in special cases, and from special causes, they ever go together. A man of strong understanding is generally a man of strong character; neither is delicacy in the one kind often divided from delicacy in the other. No one, at all events, is ignorant that in the poetry of Burns, keenness of insight keeps pace with keenness of feeling; that his *light* is not more pervading than his *warmth*. He is a man of the most impassioned temper; with passions not strong only, but noble, and of the sort in which great virtues and great poems take their rise. It is reverence, it is Love towards all Nature that inspires him, that opens his eyes to its beauty, and makes heart and voice eloquent in its praise. There is a true old saying, that 'love 'furthers knowledge:' but above all, it is the living essence of that knowledge which makes poets; the first principle of its existence, increase, activity. Of Burns's fervid affection, his generous all-embracing Love, we have spoken already, as of the grand distinction of his nature, seen equally in word and deed, in his Life and in his Writings. It were easy to multiply examples. Not man only, but all that environs man in the material and moral universe is lovely in his sight: 'the hoary hawthorn,' the 'troop of grey plover,' the 'solitary curlew,' all are dear to him; all live in this Earth along with him, and to all he is knit as in mysterious brotherhood. How touching is it, for instance, that amidst the gloom of personal misery, brooding over the wintry desolation without him and within him, he thinks of the 'ourie cattle' and 'silly sheep,' and their sufferings in the pitiless storm!

> 'I thought me on the ourie cattle,
> Or silly sheep, wha bide this brattle
> O' wintry war;
> Or thro' the drift, deep-lairing, sprattle,
> Beneath a scaur.
>
> 'Ilk happing bird, wee helpless thing,
> That in the merry months o' spring,
> Delighted me to hear thee sing,
> What comes o' thee?
> Where wilt thou cow'r thy chittering wing,
> And close thy ee?'

The tenant of the mean hut, with its 'ragged roof and chinky 'wall,' has a heart to pity even these! This, is worth several homilies on Mercy; for it is the voice of Mercy herself. Burns, indeed, lives in sympathy; his soul rushes forth into all realms of being; nothing that has existence can be indifferent to him. The very Devil, he cannot hate with right orthodoxy!

> 'But fare you weel, auld Nickie-ben;
> O wad ye tak a thought and men'!
> Ye aiblins might—I dinna ken—
> Still hae a stake;
> I'm wae to think upo' yon den,
> Even for your sake!'

He did not know, probably, that Sterne had been beforehand with him. 'He is the father of curses and lies,' said Dr Slop; 'and is cursed and damned already.'—'I am sorry for it,' quoth my uncle Toby!—'A poet without Love, were a physical and 'metaphysical impossibility.'

Why should we speak of *Scots, wha hae wi' Wallace bled;* since all know it, from the king to the meanest of his subjects? This dithyrambic was composed on horseback; in riding in the middle of tempests, over the wildest Galloway moor, in company with a Mr Syme, who, observing the poet's looks, forbore to speak,—judiciously enough—for a man composing *Bruce's Address* might be unsafe to trifle with. Doubtless this stern hymn was singing itself, as he formed it, through the soul of Burns: but to the external ear, it should be sung with the throat of the whirlwind. So long as there is warm blood in the heart of Scotchman or man, it will move in fierce thrills under this war-ode, the best, we believe, that was ever written by any pen.

Another wild stormful song, that dwells in our ear and mind with a strange tenacity, is *Macpherson's Farewell.* Perhaps there is something in the tradition itself that co-operates. For was not this grim Celt, this shaggy Northland Cacus, that 'li-

'ved a life of sturt and strife, and died by treacherie,' was not he too one of the Nimrods and Napoleons of the earth, in the arena of his own remote misty glens, for want of a clearer and wider one? Nay, was there not a touch of grace given him? A fibre of love and softness, of poetry itself, must have lived in his savage heart; for he composed that air the night before his execution; on the wings of that poor melody, his better soul would soar away above oblivion, pain, and all the ignominy and despair, which, like an avalanche, was hurling him to the abyss! Here also, as at Thebes, and in Pelops' line, was material Fate matched against man's Free-will; matched in bitterest though obscure duel; and the ethereal soul sunk not, even in its blindness, without a cry which has survived it. But who, except Burns, could have given words to such a soul; words that we never listen to without a strange half-barbarous, half-poetic fellow-feeling?

> '*Sae rantingly, sae wantonly,*
> *Sae dauntingly gaed he;*
> *He play'd a spring, and danced it round,*
> *Below the gallows tree.*'

Under a lighter and thinner disguise, the same principle of Love, which we have recognised as the great characteristic of Burns, and of all true poets, occasionally manifests itself in the shape of Humour. Everywhere, indeed, in his sunny moods, a full buoyant flood of mirth rolls through the mind of Burns; he rises to the high, and stoops to the low, and is brother and playmate to all Nature. We speak not of his bold and often irresistible faculty of caricature; for this is Drollery rather than Humour: But a much tenderer sportfulness dwells in him; and comes forth here and there, in evanescent and beautiful touches; as in his *Address to the Mouse*, or the *Farmer's Mare*, or in his *Elegy on Poor Mailie*, which last may be reckoned his happiest effort of this kind. In these pieces, there are traits of a Humour as fine as that of Sterne; yet altogether different, original, peculiar—the Humour of Burns.

Of the tenderness, the playful pathos, and many other kindred qualities of Burns's poetry, much more might be said; but now, with these poor outlines of a sketch, we must prepare to quit this part of our subject. To speak of his individual writings, adequately, and with any detail, would lead us far beyond our limits. As already hinted, we can look on but few of these pieces as, in strict critical language, deserving the name of Poems; they are rhymed eloquence, rhymed pathos, rhymed sense; yet seldom essentially melodious, aerial, poetical. *Tam o' Shanter* itself, which enjoys so high a favour, does not appear

to us, at all decisively, to come under this last category. It is not so much a poem, as a piece of sparkling rhetoric; the heart and body of the story still lies hard and dead. He has not gone back, much less carried us back, into that dark, earnest, wondering age, when the tradition was believed, and when it took its rise; he does not attempt, by any new-modelling of his supernatural ware, to strike anew that deep mysterious chord of human nature, which once responded to such things; and which lives in us too, and will for ever live, though silent, or vibrating with far other notes, and to far different issues. Our German readers will understand us, when we say, that he is not the Tieck but the Musäus of this tale. Externally it is all green and living; yet look closer, it is no firm growth, but only ivy on a rock. The piece does not properly cohere; the strange chasm which yawns in our incredulous imaginations between the Ayr public-house and the gate of Tophet, is nowhere bridged over, nay, the idea of such a bridge is laughed at; and thus the Tragedy of the adventure becomes a mere drunken phantasmagoria, painted on ale-vapours, and the Farce alone has any reality. We do not say that Burns should have made much more of this tradition; we rather think that, for strictly poetical purposes, not much *was* to be made of it. Neither are we blind to the deep, varied, genial power displayed in what he has actually accomplished; but we find far more 'Shakspearean' qualities, as these of *Tam o' Shanter* have been fondly named, in many of his other pieces; nay, we incline to believe, that this latter might have been written, all but quite as well, by a man who, in place of genius, had only possessed talent.

Perhaps we may venture to say, that the most strictly poetical of all his 'poems' is one, which does not appear in Currie's Edition; but has been often printed before and since, under the humble title of *The Jolly Beggars.* The subject truly is among the lowest in Nature; but it only the more shows our poet's gift in raising it into the domain of Art. To our minds, this piece seems thoroughly compacted; melted together, refined; and poured forth in one flood of true *liquid* harmony. It is light, airy, and soft of movement; yet sharp and precise in its details; every face is a portrait; that *raucle carlin*, that *wee Apollo*, that *Son of Mars*, are Scottish, yet ideal; the scene is at once a dream, and the very Rag-castle of 'Poosy Nansie.' Farther, it seems in a considerable degree complete, a real self-supporting Whole, which is the highest merit in a poem. The blanket of the night is drawn asunder for a moment; in full, ruddy, and flaming light, these rough tatterdemalions are seen in their boisterous revel; for the strong pulse of Life vindicates its right to gladness even here;

and when the curtain closes, we prolong the action, without effort; the next day as the last, our *Caird* and our *Balladmonger* are singing and soldering; their 'brats and callets' are hawking, begging, cheating; and some other night, in new combinations, they will wring from Fate another hour of wassail and good cheer. It would be strange, doubtless, to call this the best of Burns's writings: we mean to say only, that it seems to us the most perfect of its kind, as a piece of poetical composition, strictly so called. In the *Beggar's Opera*, in the *Beggar's Bush*, as other critics have already remarked, there is nothing which, in real poetic vigour, equals this *Cantata*; nothing, as we think, which comes within many degrees of it.

But by far the most finished, complete, and truly inspired pieces of Burns are, without dispute, to be found among his *Songs*. It is here that, although through a small aperture, his light shines with the least obstruction; in its highest beauty, and pure sunny clearness. The reason may be, that Song is a brief and simple species of composition; and requires nothing so much for its perfection, as genuine poetic feeling, genuine music of heart. The Song has its rules equally with the Tragedy; rules which in most cases are poorly fulfilled, in many cases are not so much as felt. We might write a long essay on the Songs of Burns; which we reckon by far the best that Britain has yet produced: for indeed since the era of Queen Elizabeth, we know not that, by any other hand, aught truly worth attention has been accomplished in this department. True, we have songs enough 'by persons of quality'; we have tawdry, hollow, winebred, madrigals; many a rhymed 'speech' in the flowing and watery vein of Ossorius the Portugal Bishop, rich in sonorous words, and, for moral, dashed perhaps with some tint of a sentimental sensuality; all which many persons cease not from endeavouring to sing; though for most part, we fear, the music is but from the throat outwards, or at best from some region far enough short of the *Soul*; not in which, but in a certain inane Limbo of the Fancy, or even in some vaporous debateable land on the outside of the Nervous System, most of such madrigals and rhymed speeches seem to have originated. With the Songs of Burns we must not name these things. Independently of the clear, manly, heartfelt sentiment that ever pervades *his* poetry, his Songs are honest in another point of view: in form, as well as in spirit. They do not *affect* to be set to music, but they actually and in themselves are music; they have received their life, and fashioned themselves together, in the medium of Harmony, as Venus rose from the bosom of the sea. The story, the feeling, is not detailed, but suggested; not *said*, or spouted,

in rhetorical completeness and coherence; but *sung*, in fitful gushes, in glowing hints, in fantastic breaks, in *warblings* not of the voice only, but of the whole mind. We consider this to be the essence of a song; and that no songs since the little careless catches, and, as it were, drops of song, which Shakspeare has here and there sprinkled over his plays, fulfil this condition in nearly the same degree as most of Burns's do. Such grace and truth of external movement, too, presupposes in general a corresponding force and truth of sentiment, and inward meaning. The Songs of Burns are not more perfect in the former quality, than in the latter. With what tenderness he sings, yet with what vehemence and entireness! There is a piercing wail in his sorrow, the purest rapture in his joy; he burns with the sternest ire, or laughs with the loudest or slyest mirth; and yet he is sweet and soft, 'sweet as the smile when fond lovers meet, 'and soft as their parting tear!' If we farther take into account the immense variety of his subjects; how, from the loud flowing revel in *Willie brew'd a peck o' Maut*, to the still, rapt enthusiasm of sadness for *Mary in Heaven;* from the glad kind greeting of *Auld Langsyne*, or the comic archness of *Duncan Gray*, to the fire-eyed fury of *Scots, wha hae wi' Wallace bled*, he has found a tone and words for every mood of man's heart,—it will seem a small praise if we rank him as the first of all our song-writers; for we know not where to find one worthy of being second to him.

It is on his Songs, as we believe, that Burns's chief influence as an author will ultimately be found to depend: nor, if our Fletcher's aphorism is true, shall we account this a small influence. 'Let me make the Songs of a people,' said he, 'and you shall make its Laws.' Surely, if ever any Poet might have equalled himself with Legislators, on this ground, it was Burns. His songs are already part of the mother-tongue not of Scotland only but of Britain, and of the millions that in all the ends of the earth speak a British language. In hut and hall, as the heart unfolds itself in the joy and woe of existence, the name, the voice of that joy and that woe, is the name and voice which Burns has given them. Strictly speaking, perhaps, no British man has so deeply affected the thoughts and feelings of so many men, as this solitary and altogether private individual, with means, apparently the humblest.

In another point of view, moreover, we incline to think that Burns's influence may have been considerable: we mean, as exerted specially on the Literature of his country, at least on the Literature of Scotland. Among the great changes which British, particularly Scottish literature, has undergone since that period,

one of the greatest will be found to consist in its remarkable increase of nationality. Even the English writers most popular in Burns's time, were little distinguished for their literary patriotism, in this its best sense. A certain attenuated cosmopolitanism had, in good measure, taken place of the old insular home-feeling; literature was, as it were, without any local environment; was not nourished by the affections which spring from a native soil. Our Grays and Glovers seemed to write almost as if *in vacuo;* the thing written bears no mark of place; it is not written so much for Englishmen, as for men; or rather, which is the inevitable result of this, for certain Generalisations which philosophy termed men. Goldsmith is an exception: not so Johnson; the scene of his *Rambler* is little more English than that of his *Rasselas.* But if such was, in some degree, the case with England, it was, in the highest degree, the case with Scotland. In fact, our Scottish literature had at that period, a very singular aspect; unexampled, so far as we know, except perhaps at Geneva, where the same state of matters appears still to continue. For a long period after Scotland became British, we had no literature: at the date when Addison and Steele were writing their *Spectators,* our good John Boston was writing, with the noblest intent, but alike in defiance of grammar and philosophy, his *Fourfold State of Man.* Then came the schisms in our National Church, and the fiercer schisms in our Body Politic: Theologic ink, and Jacobite blood, with gall enough in both cases, seemed to have blotted out the intellect of the country; however, it was only obscured, not obliterated. Lord Kames made nearly the first attempt, and a tolerably clumsy one, at writing English; and ere long, Hume, Robertson, Smith, and a whole host of followers, attracted hither the eyes of all Europe. And yet in this brilliant resuscitation of our 'fervid genius,' there was nothing truly Scottish, nothing indigenous; except, perhaps, the natural impetuosity of intellect, which we sometimes claim, and are sometimes upbraided with, as a characteristic of our nation. It is curious to remark that Scotland, so full of writers, had no Scottish culture, nor indeed any English; our culture was almost exclusively French. It was by studying Racine and Voltaire, Batteux and Boileau, that Kames had trained himself to be a critic and philosopher: it was the light of Montesquieu and Mably that guided Robertson in his political speculations; Quesnay's lamp that kindled the lamp of Adam Smith. Hume was too rich a man to borrow; and perhaps he reacted on the French more than he was acted on by them: but neither had he aught to do with Scotland; Edinburgh, equally with La Flèche, was but the lodging and laboratory, in which he not so much morally *lived,* as me-

taphysically *investigated.* Never, perhaps, was there a class of writers, so clear and well-ordered, yet so totally destitute, to all appearance, of any patriotic affection, nay, of any human affection whatever. The French wits of the period were as unpatriotic: but their general deficiency in moral principle, not to say their avowed sensuality and unbelief in all virtue, strictly so called, render this accountable enough. We hope, there is a patriotism founded on something better than prejudice; that our country may be dear to us, without injury to our philosophy; that in loving and justly prizing all other lands, we may prize justly, and yet love before all others our own stern Motherland, and the venerable structure of social and moral Life, which Mind has through long ages been building up for us there. Surely there is nourishment for the better part of man's heart in all this: surely the roots, that have fixed themselves in the very core of man's being, may be so cultivated as to grow up not into briers, but into roses, in the field of his life! Our Scottish sages have no such propensities: the field of their life shows neither briers nor roses: but only a flat, continuous thrashing floor for Logic, whereon all questions, from the 'Doctrine of Rent,' to the 'Natural 'History of Religion,' are thrashed and sifted with the same mechanical impartiality!

With Sir Walter Scott at the head of our literature, it cannot be denied that much of this evil is past, or rapidly passing away: our chief literary men, whatever other faults they may have, no longer live among us like a French Colony, or some knot of Propaganda Missionaries; but like natural-born subjects of the soil, partaking and sympathizing in all our attachments, humours, and habits. Our literature no longer grows in water, but in mould, and with the true racy virtues of the soil and climate. How much of this change may be due to Burns, or to any other individual, it might be difficult to estimate. Direct literary imitation of Burns was not to be looked for. But his example, in the fearless adoption of domestic subjects, could not but operate from afar; and certainly in no heart did the love of country ever burn with a warmer glow than in that of Burns: 'a tide of Scot-'tish prejudice,' as he modestly calls this deep and generous feeling, 'had been poured along his veins; and he felt that it would 'boil there till the floodgates shut in eternal rest.' It seemed to him, as if *he* could do so little for his country, and yet would so gladly have done all. One small province stood open for him; that of Scottish song, and how eagerly he entered on it; how devotedly he laboured there! In his most toilsome journeyings, this object never quits him; it is the little happy-valley of his careworn heart. In the gloom of his own affliction, he eagerly

searches after some lonely brother of the muse, and rejoices to snatch one other name from the oblivion that was covering it! These were early feelings, and they abode with him to the end.

> —— 'a wish, (I mind its power,)
> A wish, that to my latest hour
> Will strongly heave my breast;
> That I, for poor auld Scotland's sake,
> Some useful plan or book could make,
> Or sing a sang at least.
> The rough bur Thistle spreading wide
> Amang the bearded bear,
> I turn'd my weeding-clips aside,
> And spared the symbol dear.'

But to leave the mere literary character of Burns, which has already detained us too long, we cannot but think that the Life he willed, and was fated to lead among his fellow men, is both more interesting and instructive than any of his written works. These Poems are but like little rhymed fragments scattered here and there in the grand unrhymed Romance of his earthly existence; and it is only when intercalated in this at their proper places, that they attain their full measure of significance. And this too, alas, was but a fragment! The plan of a mighty edifice had been sketched; some columns, porticoes, firm masses of building, stand completed; the rest more or less clearly indicated; with many a far-stretching tendency, which only studious and friendly eyes can now trace towards the purposed termination. For the work is broken off in the middle, almost in the beginning; and rises among us, beautiful and sad, at once unfinished and a ruin! If charitable judgment was necessary in estimating his poems, and justice required that the aim and the manifest power to fulfil it, must often be accepted for the fulfilment; much more is this the case in regard to his life, the sum and result of all his endeavours, where his difficulties came upon him not in detail only, but in mass; and so much has been left unaccomplished, nay, was mistaken, and altogether marred.

Properly speaking, there is but one era in the life of Burns, and that the earliest. We have not youth and manhood; but only youth: For, to the end, we discern no decisive change in the complexion of his character; in his thirty-seventh year, he is still, as it were, in youth. With all that resoluteness of judgment, that penetrating insight, and singular maturity of intellectual power, exhibited in his writings, he never attains to any clearness regarding himself; to the last, he never ascertains his peculiar aim, even with such distinctness as is common among

ordinary men; and therefore never can pursue it with that singleness of will, which insures success and some contentment to such men. To the last, he wavers between two purposes: glorying in his talent, like a true poet, he yet cannot consent to make this his chief and sole glory, and to follow it as the one thing needful, through poverty or riches, through good or evil report. Another far meaner ambition still cleaves to him; he must dream and struggle about a certain 'Rock of Independence;' which, natural and even admirable as it might be, was still but a warring with the world, on the comparatively insignificant ground of his being more or less completely supplied with money, than others; of his standing at a higher, or at a lower altitude in general estimation, than others. For the world still appears to him, as to the young, in borrowed colours: he expects from it what it cannot give to any man; seeks for contentment, not within himself, in action and wise effort, but from without, in the kindness of circumstances, in love, friendship, honour, pecuniary ease. He would be happy, not actively and in himself, but passively, and from some ideal cornucopia of Enjoyments, not earned by his own labour, but showered on him by the beneficence of Destiny. Thus, like a young man, he cannot steady himself for any fixed or systematic pursuit, but swerves to and fro, between passionate hope, and remorseful disappointment: rushing onwards with a deep tempestuous force, he surmounts or breaks asunder many a barrier; travels, nay, advances far, but advancing only under uncertain guidance, is ever and anon turned from his path; and to the last, cannot reach the only true happiness of a man, that of clear, decided Activity in the sphere, for which, by nature and circumstances, he has been fitted and appointed.

We do not say these things in dispraise of Burns: nay, perhaps they but interest us the more in his favour. This blessing is not given soonest to the best; but rather, it is often the greatest minds that are latest in obtaining it; for where most is to be developed, most time may be required to develope it. A complex condition had been assigned him from without, as complex a condition from within: no 'pre-established harmony' existed between the clay soil of Mossgiel and the empyrean soul of Robert Burns; it was not wonderful, therefore, that the adjustment between them should have been long postponed, and his arm long cumbered, and his sight confused, in so vast and discordant an economy, as he had been appointed steward over. Byron was, at his death, but a year younger than Burns; and through life, as it might have appeared, far more simply situated: yet in him too, we can trace no such adjustment, no such moral manhood;

but at best, and only a little before his end, the beginning of what seemed such.

By much the most striking incident in Burns's Life is his journey to Edinburgh; but perhaps a still more important one, is his residence at Irvine, so early as in his twenty-third year. Hitherto his life had been poor and toil-worn; but otherwise not ungenial, and with all its distresses, by no means unhappy. In his parentage, deducting outward circumstances, he had every reason to reckon himself fortunate: his father was a man of thoughtful, intense, earnest character, as the best of our peasants are; valuing knowledge, possessing some, and, what is far better and rarer, open-minded for more; a man with a keen insight, and devout heart; reverent towards God, friendly therefore at once, and fearless towards all that God has made; in one word, though but a hard-handed peasant, a complete and fully unfolded *Man*. Such a father is seldom found in any rank of society; and was worth descending far in society to seek. Unfortunately, he was very poor; had he been even a little richer, almost ever so little, the whole might have issued far otherwise. Mighty events turn on a straw; the crossing of a brook decides the conquest of the world. Had this William Burns's small seven acres of nursery ground anywise prospered, the boy Robert had been sent to school; had struggled forward, as so many weaker men do, to some university; come forth not as a rustic wonder, but as a regular well-trained intellectual workman, and changed the whole course of British Literature—for it lay in him to have done this! But the nursery did not prosper; poverty sank his whole family below the help of even our cheap school system: Burns remained a hard-worked plough-boy, and British literature took its own course. Nevertheless, even in this rugged scene, there is much to nourish him. If he drudges, it is with his brother, and for his father and mother, whom he loves, and would fain shield from want. Wisdom is not banished from their poor hearth, nor the balm of natural feeling: the solemn words, *Let us worship God*, are heard there from a 'priest-like father;' if threatenings of unjust men throw mother and children into tears, these are tears not of grief only, but of holiest affection; every heart in that humble group feels itself the closer knit to every other; in their hard warfare they are there together, a 'little band of brethren.' Neither are such tears, and the deep beauty that dwells in them, their only portion. Light visits the hearts as it does the eyes of all living: there is a force, too, in this youth, that enables him to trample on misfortune; nay, to bind it under his feet to make him sport. For a bold, warm, buoyant humour of character has been given him; and so the thick-coming shapes of

evil are welcomed with a gay, friendly irony, and in their closest pressure, he bates no jot of heart or hope. Vague yearnings of ambition fail not, as he grows up; dreamy fancies hang like cloud-cities around him; the curtain of Existence is slowly rising, in many-coloured splendour and gloom: and the auroral light of first love is gilding his horizon, and the music of song is on his path; and so he walks

> ——' in glory and in joy,
> Behind his plough, upon the mountain side!'

We know, from the best evidence, that up to this date, Burns was happy; nay, that he was the gayest, brightest, most fantastic, fascinating being to be found in the world; more so even than he ever afterwards appeared. But now, at this early age, he quits the paternal roof; goes forth into looser, louder, more exciting society; and becomes initiated in those dissipations, those vices, which a certain class of philosophers have asserted to be a natural preparative for entering on active life; a kind of mud-bath, in which the youth is, as it were, necessitated to steep, and, we suppose, cleanse himself, before the real toga of Manhood can be laid on him. We shall not dispute much with this class of philosophers; we hope they are mistaken; for Sin and Remorse so easily beset us at all stages of life, and are always such indifferent company, that it seems hard we should, at any stage, be forced and fated not only to meet, but to yield to them; and even serve for a term in their leprous armada. We hope it is not so. Clear we are, at all events, it cannot be the training one receives in this service, but only our determining to desert from it, that fits us for true manly Action. We become men, not after we have been dissipated, and disappointed in the chase of false pleasure; but after we have ascertained in any way, what impassable barriers hem us in through this life; how mad it is to hope for contentment to our infinite soul from the *gifts* of this extremely finite world; that a man must be sufficient for himself; and that 'for suffering and enduring there is 'no remedy but striving and doing.' Manhood begins when we have in any way made truce with Necessity; begins, at all events, when we have surrendered to Necessity, as the most part only do; but begins joyfully and hopefully only when we have reconciled ourselves to Necessity; and thus, in reality, triumphed over it, and felt that in Necessity, we are free. Surely, such lessons as this last, which, in one shape or other, is the grand lesson for every mortal man, are better learned from the lips of a devout mother, in the looks and actions of a devout father, while the heart is yet soft and pliant, than in collision with the sharp

adamant of Fate, attracting us to shipwreck us, when the heart is grown hard, and may be broken, before it will become contrite! Had Burns continued to learn this, as he was already learning it, in his father's cottage, he would have learned it fully, which he never did—and been saved many a lasting aberration, many a bitter hour and year of remorseful sorrow.

It seems to us another circumstance of fatal import in Burns's history, that at this time too he became involved in the religious quarrels of his district; that he was enlisted and feasted, as the fighting man of the New-Light Priesthood, in their highly unprofitable warfare. At the tables of these free-minded clergy, he learned much more than was needful for him. Such liberal ridicule of fanaticism awakened in his mind scruples about Religion itself; and a whole world of Doubts, which it required quite another set of conjurors than these men to exorcise. We do not say that such an intellect as his could have escaped similar doubts, at some period of his history; or even that he could, at a later period, have come through them altogether victorious and unharmed: but it seems peculiarly unfortunate that this time, above all others, should have been fixed for the encounter. For now, with principles assailed by evil example from without, by 'passions raging like demons' from within, he had little need of sceptical misgivings to whisper treason in the heat of the battle, or to cut off his retreat if he were already defeated. He loses his feeling of innocence; his mind is at variance with itself; the old divinity no longer presides there; but wild Desires and wild Repentance alternately oppress him. Ere long, too, he has committed himself before the world; his character for sobriety, dear to a Scottish peasant, as few corrupted worldlings can even conceive, is destroyed in the eyes of men; and his only refuge consists in trying to disbelieve his guiltiness, and is but a refuge of lies. The blackest desperation now gathers over him, broken only by the red lightnings of remorse. The whole fabric of his life is blasted asunder; for now not only his character, but his personal liberty, is to be lost; men and Fortune are leagued for his hurt; 'hungry Ruin has him in the wind.' He sees no escape but the saddest of all: exile from his loved country, to a country in every sense inhospitable and abhorrent to him. While the 'gloomy night is gathering fast,' in mental storm and solitude as well as in physical, he sings his wild farewell to Scotland:

> 'Farewell, my friends, farewell, my foes!
> My peace with these, my love with those:
> The bursting tears my heart declare;
> Adieu, my native banks of Ayr!'

Light breaks suddenly in on him in floods; but still a false transitory light, and no real sunshine. He is invited to Edinburgh; hastens thither with anticipating heart; is welcomed as in triumph, and with universal blandishment and acclamation; whatever is wisest, whatever is greatest, or loveliest there, gathers round him, to gaze on his face, to show him honour, sympathy, affection. Burns's appearance among the sages and nobles of Edinburgh, must be regarded as one of the most singular phenomena in modern Literature; almost like the appearance of some Napoleon among the crowned sovereigns of modern Politics. For it is nowise as 'a mockery king,' set there by favour, transiently, and for a purpose, that he will let himself be treated; still less is he a mad Rienzi, whose sudden elevation turns his too weak head: but he stands there on his own basis; cool, unastonished, holding his equal rank from Nature herself; putting forth no claim which there is not strength *in* him, as well as about him, to vindicate. Mr Lockhart has some forcible observations on this point:

'It needs no effort of imagination,' says he, 'to conceive what the sensations of an isolated set of scholars (almost all either clergymen or professors) must have been in the presence of this big-boned, black-browed, brawny stranger, with his great flashing eyes, who, having forced his way among them from the plough-tail, at a single stride, manifested, in the whole strain of his bearing and conversation, a most thorough conviction that in the society of the most eminent men of his nation, he was exactly where he was entitled to be; hardly deigned to flatter them by exhibiting even an occasional symptom of being flattered by their notice; by turns calmly measured himself against the most cultivated understandings of his time in discussion; overpowered the *bon mots* of the most celebrated convivialists by broad floods of merriment, impregnated with all the burning life of genius; astounded bosoms habitually enveloped in the thrice-piled folds of social reserve, by compelling them to tremble—nay to tremble visibly—beneath the fearless touch of natural pathos; and all this without indicating the smallest willingness to be ranked among those professional ministers of excitement, who are content to be paid in money and smiles for doing what the spectators and auditors would be ashamed of doing in their own persons, even if they had the power of doing it; and last, and probably worst of all, who was known to be in the habit of enlivening societies which they would have scorned to approach, still more frequently than their own, with eloquence no less magnificent; with wit, in all likelihood still more daring; often enough, as the superiors whom he fronted without alarm might have guessed from the beginning, and had, ere long, no occasion to guess, with wit pointed at themselves.'—P. 131.

The farther we remove from this scene, the more singular will it seem to us: details of the exterior aspect of it are already

full of interest. Most readers recollect Mr Walker's personal interviews with Burns as among the best passages of his Narrative: a time will come when this reminiscence of Sir Walter Scott's, slight though it is, will also be precious.

'As for Burns,' writes Sir Walter, 'I may truly say, *Virgilium vidi tantum.* I was a lad of fifteen in 1786–7, when he came first to Edinburgh, but had sense and feeling enough to be much interested in his poetry, and would have given the world to know him; but I had very little acquaintance with any literary people, and still less with the gentry of the west country, the two sets that he most frequented. Mr Thomas Grierson was at that time a clerk of my father's. He knew Burns, and promised to ask him to his lodgings to dinner, but had no opportunity to keep his word; otherwise I might have seen more of this distinguished man. As it was, I saw him one day at the late venerable Professor Fergusson's, where there were several gentlemen of literary reputation, among whom I remember the celebrated Mr Dugald Stewart. Of course, we youngsters sat silent, looked and listened. The only thing I remember which was remarkable in Burns's manner, was the effect produced upon him by a print of Bunbury's, representing a soldier lying dead on the snow, his dog sitting in misery on one side,—on the other, his widow, with a child in her arms. These lines were written beneath:

"Cold on Canadian hills, or Minden's plain,
Perhaps that mother wept her soldier slain:
Bent o'er her babe, her eye dissolved in dew,
The big drops mingling with the milk he drew,
Gave the sad presage of his future years,
The child of misery baptized in tears."

'Burns seemed much affected by the print, or rather by the ideas which it suggested to his mind. He actually shed tears. He asked whose the lines were, and it chanced that nobody but myself remembered that they occur in a half-forgotten poem of Langhorne's, called by the unpromising title of "The Justice of Peace." I whispered my information to a friend present, he mentioned it to Burns, who rewarded me with a look and a word, which, though of mere civility, I then received and still recollect with very great pleasure.

'His person was strong and robust; his manners rustic, not clownish; a sort of dignified plainness and simplicity, which received part of its effect perhaps from one's knowledge of his extraordinary talents. His features are represented in Mr Nasmyth's picture; but to me it conveys the idea that they are diminished, as if seen in perspective. I think his countenance was more massive than it looks in any of the portraits. I should have taken the poet, had I not known what he was, for a very sagacious country farmer of the old Scotch school, *i. e.* none of your modern agriculturists who keep labourers for their drudgery, but the *douce gudeman* who held his own plough. There was a strong expression of sense and shrewdness in all his lineaments; the

eye alone, I think, indicated the poetical character and temperament. It was large, and of a dark cast, which glowed (I say literally *glowed*) when he spoke with feeling or interest. I never saw such another eye in a human head, though I have seen the most distinguished men of my time. His conversation expressed perfect self-confidence, without the slightest presumption. Among the men who were the most learned of their time and country, he expressed himself with perfect firmness, but without the least intrusive forwardness; and when he differed in opinion, he did not hesitate to express it firmly, yet at the same time with modesty. I do not remember any part of his conversation distinctly enough to be quoted; nor did I ever see him again, except in the street, where he did not recognise me, as I could not expect he should. He was much caressed in Edinburgh; but (considering what literary emoluments have been since his day) the efforts made for his relief were extremely trifling.

'I remember on this occasion I mention, I thought Burns's acquaintance with English poetry was rather limited; and also, that having twenty times the abilities of Allan Ramsay and of Ferguson, he talked of them with too much humility as his models: there was doubtless national predilection in his estimate.

'This is all I can tell you about Burns. I have only to add, that his dress corresponded with his manner. He was like a farmer dressed in his best to dine with the laird. I do not speak in *malam partem*, when I say I never saw a man in company with his superiors in station or information, more perfectly free from either the reality or the affectation of embarrassment. I was told, but did not observe it, that his address to females was extremely deferential, and always with a turn either to the pathetic or humorous, which engaged their attention particularly. I have heard the late Duchess of Gordon remark this.—I do not know any thing I can add to these recollections of forty years since.'—Pp. 112–115.

The conduct of Burns under this dazzling blaze of favour; the calm, unaffected, manly manner, in which he not only bore it, but estimated its value, has justly been regarded as the best proof that could be given of his real vigour and integrity of mind. A little natural vanity, some touches of hypocritical modesty, some glimmerings of affectation, at least some fear of being thought affected, we could have pardoned in almost any man; but no such indication is to be traced here. In his unexampled situation the young peasant is not a moment perplexed; so many strange lights do not confuse him, do not lead him astray. Nevertheless, we cannot but perceive that this winter did him great and lasting injury. A somewhat clearer knowledge of men's affairs, scarcely of their characters, it did afford him; but a sharper feeling of Fortune's unequal arrangements in their social destiny it also left with him. He had seen the gay and gorgeous arena, in which the powerful are born to play their

parts; nay, had himself stood in the midst of it; and he felt, more bitterly than ever, that here he was but a looker on, and had no part or lot in that splendid game. From this time a jealous indignant fear of social degradation takes possession of him; and perverts, so far as aught could pervert, his private contentment, and his feelings towards his richer fellows. It was clear enough to Burns that he had talent enough to make a fortune, or a hundred fortunes, could he but have rightly willed this; it was clear also that he willed something far different, and therefore could not make one. Unhappy it was that he had not power to choose the one, and reject the other; but must halt for ever between two opinions, two objects; making hampered advancement towards either. But so is it with many men: we 'long for 'the merchandise, yet would fain keep the price;' and so stand chaffering with Fate, in vexatious altercation, till the Night come, and our fair is over!

The Edinburgh learned of that period were in general more noted for clearness of head than for warmth of heart: with the exception of the good old Blacklock, whose help was too ineffectual, scarcely one among them seems to have looked at Burns with any true sympathy, or indeed much otherwise than as at a highly curious *thing.* By the great also, he is treated in the customary fashion; entertained at their tables, and dismissed: certain modica of pudding and praise are, from time to time, gladly exchanged for the fascination of his presence; which exchange once effected, the bargain is finished, and each party goes his several way. At the end of this strange season, Burns gloomily sums up his gains and losses, and meditates on the chaotic future. In money he is somewhat richer: in fame and the show of happiness, infinitely richer; but in the substance of it, as poor as ever. Nay poorer, for his heart is now maddened still more with the fever of mere worldly Ambition; and through long years the disease will rack him with unprofitable sufferings, and weaken his strength for all true and nobler aims.

What Burns was next to do or to avoid; how a man so circumstanced was now to guide himself towards his true advantage, might, at this point of time, have been a question for the wisest: and it was a question which he was left altogether to answer for himself: of his learned or rich patrons it had not struck any individual to turn a thought on this so trivial matter. Without claiming for Burns the praise of perfect sagacity, we must say, that his Excise and Farm scheme does not seem to us a very unreasonable one; and that we should be at a loss, even now, to suggest one decidedly better. Some of his admirers, indeed, are scandalized at his ever resolving to *gauge;* and would have had him

apparently lie still at the pool, till the spirit of Patronage should stir the waters, and then heal with one plunge all his worldly sorrows! We fear such counsellors knew but little of Burns; and did not consider that happiness might in all cases be cheaply had by waiting for the fulfilment of golden dreams, were it not that in the interim the dreamer must die of hunger. It reflects credit on the manliness and sound sense of Burns, that he felt so early on what ground he was standing; and preferred self-help, on the humblest scale, to dependence and inaction, though with hope of far more splendid possibilities. But even these possibilities were not rejected in his scheme: he might expect, if it chanced that he *had* any friend, to rise, in no long period, into something even like opulence and leisure; while again, if it chanced that he had no friend, he could still live in security; and for the rest, he 'did not intend to borrow honour from any 'profession.' We think then that his plan was honest and well-calculated: all turned on the execution of it. Doubtless it failed; yet not, we believe, from any vice inherent in itself. Nay, after all, it was no failure of external means, but of internal, that overtook Burns. His was no bankruptcy of the purse, but of the soul; to his last day, he owed no man any thing.

Meanwhile he begins well: with two good and wise actions. His donation to his mother, munificent from a man whose income had lately been seven pounds a-year, was worthy of him, and not more than worthy. Generous also, and worthy of him, was his treatment of the woman whose life's welfare now depended on his pleasure. A friendly observer might have hoped serene days for him: his mind is on the true road to peace with itself: what clearness he still wants will be given as he proceeds; for the best teacher of duties that still lie dim to us, is the Practice of those we see, and have at hand. Had the 'patrons of genius,' who could give him nothing, but taken nothing from him, at least nothing more! the wounds of his heart would have healed, vulgar ambition would have died away. Toil and Frugality would have been welcome, since Virtue dwelt with them, and Poetry would have shone through them as of old; and in her clear ethereal light, which was his own by birthright, he might have looked down on his earthly destiny, and all its obstructions, not with patience only, but with love.

But the patrons of genius would not have it so. Picturesque tourists,* all manner of fashionable danglers after literature,

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* There is one little sketch by certain 'English gentlemen' of this class, which, though adopted in Currie's Narrative, and since then re-

and, far worse, all manner of convivial Mecænases, hovered round him in his retreat; and his good as well as his weak qualities secured them influence over him. He was flattered by their notice; and his warm social nature made it impossible for him to shake them off, and hold on his way apart from them. These men, as we believe, were proximately the means of his ruin. Not that they meant him any ill; they only meant themselves a little good; if he suffered harm, let *him* look to it! But they wasted his precious time and his precious talent; they disturbed his composure, broke down his returning habits of temperance and assiduous contented exertion. Their pampering was baneful to him; their cruelty, which soon followed, was equally baneful. The old grudge against Fortune's inequality, awoke with new bitterness in their neighbourhood, and Burns had no retreat but to the 'Rock of Independence,' which is but an air-castle, after all, that looks well at a distance, but will screen no one from real wind and wet. Flushed with irregular excitement, exasperated alternately by contempt of others, and contempt of himself, Burns was no longer regaining his peace of mind, but fast losing it for ever. There was a hollowness at the heart of his life, for his conscience did not now approve what he was doing.

Amid the vapours of unwise enjoyment, of bootless remorse, and angry discontent with Fate, his true loadstar, a life of Poetry, with Poverty, nay with Famine if it must be so, was too often altogether hidden from his eyes. And yet he sailed a sea, where, without some such guide, there was no right steering. Meteors of French Politics rise before him, but these were not *his* stars. An accident this, which hastened, but did not originate, his worst distresses. In the mad contentions of that time, he comes in collision with certain official Superiors; is wounded by them;

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peated in most others, we have all along felt an invincible disposition to regard as imaginary: 'On a rock that projected into the stream, 'they saw a man employed in angling, of a singular appearance. He 'had a cap made of fox-skin on his head, a loose great-coat fixed round 'him by a belt, from which depended an enormous Highland broad-'sword. It was Burns.' Now, we rather think, it was *not* Burns. For to say nothing of the fox-skin cap, the loose and quite Hibernian watch-coat with the belt, what are we to make of this 'enormous High-'land broadsword' depending from him? More especially, as there is no word of parish constables on the outlook to see whether, as Dennis phrases it, he had an eye to his own midriff, or that of the public! Burns, of all men, had the least need, and the least tendency, to seek for distinction, either in his own eyes, or those of others, by such poor mummeries.

cruelly lacerated, we should say, could a dead mechanical implement, in any case, be called cruel: and shrinks in indignant pain, into deeper self-seclusion, into gloomier moodiness than ever. His life has now lost its unity: it is a life of fragments; led with little aim, beyond the melancholy one of securing its own continuance,—in fits of wild false joy, when such offered, and of black despondency when they passed away. His character before the world begins to suffer: calumny is busy with him; for a miserable man makes more enemies than friends. Some faults he has fallen into, and a thousand misfortunes; but deep criminality is what he stands accused of, and they that are *not* without sin, cast the first stone at him! For is he not a well-wisher of the French Revolution, a Jacobin, and therefore in that one act guilty of all? These accusations, political and moral, it has since appeared, were false enough: but the world hesitated little to credit them. Nay, his convivial Mecænases themselves were not the last to do it. There is reason to believe that, in his later years, the Dumfries Aristocracy had partly withdrawn themselves from Burns, as from a tainted person, no longer worthy of their acquaintance. That painful class, stationed, in all provincial cities, behind the outmost breastwork of Gentility, there to stand siege and do battle against the intrusions of Grocerdom and Grazierdom, had actually seen dishonour in the society of Burns, and branded him with their veto; had, as we vulgarly say, *cut* him! We find one passage in this work of Mr Lockhart's, which will not out of our thoughts:

'A gentleman of that county, whose name I have already more than once had occasion to refer to, has often told me that he was seldom more grieved, than when riding into Dumfries one fine summer evening about this time to attend a county ball, he saw Burns walking alone, on the shady side of the principal street of the town, while the opposite side was gay with successive groups of gentlemen and ladies, all drawn together for the festivities of the night, not one of whom appeared willing to recognise him. The horseman dismounted, and joined Burns, who on his proposing to cross the street said: 'Nay, nay, my young friend, that's all over now;' and quoted, after a pause, some verses of Lady Grizzel Baillie's pathetic ballad:

> "His bonnet stood ance fu' fair on his brow,
> His auld ane look'd better than mony ane's new;
> But now he lets't wear ony way it will hing,
> And casts himsell dowie upon the corn-bing.
>
> O were we young, as we ance hae been,
> We sud hae been galloping down on yon green,
> And linking it ower the lily-white lea!
> *And werena my heart light I wad die.*"

'It was little in Burns's character to let his feelings on certain subjects escape in this fashion. He, immediately after reciting these verses, assumed the sprightliness of his most pleasing manner; and taking his young friend home with him, entertained him very agreeably till the hour of the ball arrived.'

Alas! when we think that Burns now sleeps 'where bitter 'indignation can no longer lacerate his heart,'* and that most of those fair dames and frizzled gentlemen already lie at his side, where the breastwork of Gentility is quite thrown down,—who would not sigh over the thin delusions and foolish toys that divide heart from heart, and make man unmerciful to his brother!

It was not now to be hoped that the genius of Burns would ever reach maturity, or accomplish aught worthy of itself. His spirit was jarred in its melody; not the soft breath of natural feeling, but the rude hand of Fate, was now sweeping over the strings. And yet what harmony was in him, what music even in his discords! How the wild tones had a charm for the simplest and the wisest; and all men felt and knew that here also was one of the Gifted! 'If he entered an inn at midnight, af'ter all the inmates were in bed, the news of his arrival circula'ted from the cellar to the garret; and ere ten minutes had elapsed, 'the landlord and all his guests were assembled!' Some brief, pure moments of poetic life were yet appointed him, in the composition of his Songs. We can understand how he grasped at this employment; and how, too, he spurned all other reward for it but what the labour itself brought him. For the soul of Burns, though scathed and marred, was yet living in its full moral strength, though sharply conscious of its errors and abasement: and here, in his destitution and degradation, was one act of seeming nobleness and self-devotedness left even for him to perform. He felt, too, that with all the 'thoughtless follies' that had 'laid him 'low,' the world was unjust and cruel to him; and he silently appealed to another and calmer time. Not as a hired soldier, but as a patriot, would he strive for the glory of his country: so he cast from him the poor sixpence a-day, and served zealously as a volunteer. Let us not grudge him this last luxury of his existence; let him not have appealed to us in vain! The money was not necessary to him; he struggled through without it: long since, these guineas would have been gone, and now the high-mindedness of refusing them, will plead for him in all hearts for ever.

We are here arrived at the crisis of Burns's life; for mat-

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* *Ubi sæva indignatio cor ulterius lacerare nequit.*—SWIFT's Epitaph.

ters had now taken such a shape with him as could not long continue. If improvement was not to be looked for, Nature could only for a limited time maintain this dark and maddening warfare against the world and itself. We are not medically informed whether any continuance of years was, at this period, probable for Burns; whether his death is to be looked on as in some sense an accidental event, or only as the natural consequence of the long series of events that had preceded. The latter seems to be the likelier opinion; and yet it is by no means a certain one. At all events, as we have said, *some* change could not be very distant. Three gates of deliverance, it seems to us, were open for Burns: clear poetical activity; madness; or death. The first, with longer life, was still possible, though not probable; for physical causes were beginning to be concerned in it: and yet Burns had an iron resolution; could he but have seen and felt, that not only his highest glory, but his first duty, and the true medicine for all his woes, lay here. The second was still less probable; for his mind was ever among the clearest and firmest. So the milder third gate was opened for him: and he passed, not softly, yet speedily, into that still country, where the hail-storms and fire-showers do not reach, and the heaviest-laden wayfarer at length lays down his load!

Contemplating this sad end of Burns, and how he sank unaided by any real help, uncheered by any wise sympathy, generous minds have sometimes figured to themselves, with a reproachful sorrow, that much might have been done for him; that by counsel, true affection, and friendly ministrations, he might have been saved to himself and the world. We question whether there is not more tenderness of heart than soundness of judgment in these suggestions. It seems dubious to us whether the richest, wisest, most benevolent individual, could have lent Burns any effectual help. Counsel, which seldom profits any one, he did not need; in his understanding, he knew the right from the wrong, as well perhaps as any man ever did; but the persuasion which would have availed him, lies not so much in the head, as in the heart, where no argument or expostulation could have assisted much to implant it. As to money again, we do not really believe that this was his essential want; or well see how any private man could, even presupposing Burns's consent, have bestowed on him an independent fortune, with much prospect of decisive advantage. It is a mortifying truth, that two men in any rank of society could hardly be found virtuous enough to give money, and to take it, as a necessary gift, without injury to the moral entireness of one or both. But so stands

the fact: Friendship, in the old heroic sense of that term, no longer exists; except in the cases of kindred or other legal affinity, it is in reality no longer expected, or recognised as a virtue among men. A close observer of manners has pronounced 'Patronage,' that is, pecuniary or other economic furtherance, to be 'twice cursed;' cursing him that gives, and him that takes! And thus, in regard to outward matters also, it has become the rule, as in regard to inward, it always was and must be the rule, that no one shall look for effectual help to another; but that each shall rest contented with what help he can afford himself. Such, we say, is the principle of modern Honour; naturally enough growing out of that sentiment of Pride, which we inculcate and encourage as the basis of our whole social morality. Many a poet has been poorer than Burns; but no one was ever prouder: we may question, whether, without great precautions, even a pension from Royalty would not have galled and encumbered, more than actually assisted him.

Still less, therefore, are we disposed to join with another class of Burns's admirers, who accuse the higher ranks among us of having ruined Burns by their selfish neglect of him. We have already stated our doubts whether direct pecuniary help, had it been offered, would have been accepted, or could have proved very effectual. We shall readily admit, however, that much was to be done for Burns; that many a poisoned arrow might have been warded from his bosom; many an entanglement in his path cut asunder by the hand of the powerful; and light and heat shed on him from high places, would have made his humble atmosphere more genial; and the softest heart then breathing might have lived and died with some fewer pangs. Nay, we shall grant farther, and for Burns it is granting much, that with all his pride, he would have thanked, even with exaggerated gratitude, any one who had cordially befriended him: patronage, unless once cursed, needed not to have been twice so. At all events, the poor promotion he desired in his calling might have been granted: it was his own scheme, therefore likelier than any other to be of service. All this it might have been a luxury, nay, it was a duty, for our nobility to have done. No part of all this, however, did any of them do; or apparently attempt, or wish to do: so much is granted against them. But what then is the amount of their blame? Simply that they were men of the world, and walked by the principles of such men; that they treated Burns, as other nobles and other commoners had done other poets; as the English did Shakspeare, as King Charles and his Cavaliers did Butler, as King Philip and his Grandees did Cervantes. Do men gather grapes of thorns? or shall we

cut down our thorns for yielding only a *fence*, and haws? How, indeed, could the 'nobility and gentry of his native land' hold out any help to this 'Scottish Bard, proud of his name and 'country?' Were the nobility and gentry so much as able rightly to help themselves? Had they not their game to preserve; their borough interests to strengthen; dinners, therefore, of various kinds to eat and give? Were their means more than adequate to all this business, or less than adequate? Less than adequate in general: few of them in reality were richer than Burns; many of them were poorer; for sometimes they had to wring their supplies, as with thumbscrews, from the hard hand; and in their need of guineas, to forget their duty of mercy; which Burns was never reduced to do. Let us pity and forgive them. The game they preserved and shot, the dinners they ate and gave, the borough interests they strengthened. The *little* Babylons they severally builded by the glory of their might, are all melted, or melting back into the primeval Chaos, as man's merely selfish endeavours are fated to do: and here was an action, extending, in virtue of its worldly influence, we may say, through all time; in virtue of its moral nature, beyond all time, being immortal as the Spirit of Goodness itself; this action was offered them to do, and light was not given them to do it. Let us pity and forgive them. But, better than pity, let us go and *do otherwise*. Human suffering did not end with the life of Burns; neither was the solemn mandate, 'Love one another, bear one another's 'burdens,' given to the rich only, but to all men. True, we shall find no Burns to relieve, to assuage by our aid or our pity; but celestial natures, groaning under the fardels of a weary life, we shall still find; and that wretchedness which Fate has rendered *voiceless* and *tuneless*, is not the least wretched, but the most.

Still we do not think that the blame of Burns's failure lies chiefly with the world. The world, it seems to us, treated him with more, rather than with less kindness, than it usually shows to such men. It has ever, we fear, shown but small favour to its Teachers: hunger and nakedness, perils and reviling, the prison, the cross, the poison-chalice, have, in most times and countries, been the market-price it has offered for Wisdom, the welcome with which it has greeted those who have come to enlighten and purify it. Homer and Socrates, and the Christian Apostles, belong to old days; but the world's Martyrology was not completed with these. Roger Bacon and Galileo languish in priestly dungeons, Tasso pines in the cell of a madhouse, Camoens dies begging on the streets of Lisbon. So neglected, so 'persecuted they the Prophets,' not in Judea only, but in all places

where men have been. We reckon that every poet of Burns's order is, or should be, a prophet and teacher to his age; that he has no right therefore to expect great kindness from it, but rather is bound to do it great kindness; that Burns, in particular, experienced fully the usual proportion of the world's goodness; and that the blame of his failure, as we have said, lies not chiefly with the world.

Where then does it lie? We are forced to answer: With himself; it is his inward, not his outward misfortunes, that bring him to the dust. Seldom, indeed, is it otherwise; seldom is a life morally wrecked, but the grand cause lies in some internal malarrangement, some want less of good fortune than of good guidance. Nature fashions no creature without implanting in it the strength needful for its action and duration; least of all does she so neglect her masterpiece and darling, the poetic soul. Neither can we believe that it is in the power of *any* external circumstances utterly to ruin the mind of a man; nay, if proper wisdom be given him, even so much as to affect its essential health and beauty. The sternest sum-total of all worldly misfortunes is Death; nothing more *can* lie in the cup of human woe: yet many men, in all ages, have triumphed over Death, and led it captive; converting its physical victory into a moral victory for themselves, into a seal and immortal consecration for all that their past life had achieved. What has been done, may be done again: nay, it is but the degree and not the kind of such heroism that differs in different seasons; for without some portion of this spirit, not of boisterous daring, but of silent fearlessness, of Self-denial, in all its forms, no good man, in any scene or time, has ever attained to be good.

We have already stated the error of Burns; and mourned over it, rather than blamed it. It was the want of unity in his purposes, of consistency in his aims; the hapless attempt to mingle in friendly union the common spirit of the world with the spirit of poetry, which is of a far different and altogether irreconcilable nature. Burns was nothing wholly; and Burns could be nothing, no man formed as he was can be any thing, by halves. The heart, not of a mere hotblooded, popular verse-monger, or poetical *Restaurateur*, but of a true Poet and Singer, worthy of the old religious heroic times, had been given him: and he fell in an age, not of heroism and religion, but of scepticism, selfishness, and triviality, when true Nobleness was little understood, and its place supplied by a hollow, dissocial, altogether barren and unfruitful principle of Pride. The influences of that age, his open, kind, susceptible nature, to say nothing of his highly untoward situation, made it more than usually difficult

for him to repel or resist; the better spirit that was within him ever sternly demanded its rights, its supremacy: he spent his life in endeavouring to reconcile these two; and lost it, as he must have lost it, without reconciling them here.

Burns was born poor; and born also to continue poor, for he would not endeavour to be otherwise: this it had been well, could he have once for all admitted, and considered as finally settled. He was poor, truly; but hundreds even of his own class and order of minds have been poorer, yet have suffered nothing deadly from it: nay, his own Father had a far sorer battle with ungrateful destiny than his was; and he did not yield to it, but died courageously warring, and to all moral intents prevailing, against it. True, Burns had little means, had even little time for poetry, his only real pursuit and vocation; but so much the more precious was what little he had. In all these external respects his case was hard; but very far from the hardest. Poverty, incessant drudgery, and much worse evils, it has often been the lot of Poets and wise men to strive with, and their glory to conquer. Locke was banished as a traitor; and wrote his *Essay on the Human Understanding*, sheltering himself in a Dutch garret. Was Milton rich or at his ease, when he composed *Paradise Lost?* Not only low, but fallen from a height; not only poor but impoverished; in darkness and with dangers compassed round, he sang his immortal song, and found fit audience, though few. Did not Cervantes finish his work, a maimed soldier, and in prison? Nay, was not the *Araucana*, which Spain acknowledges as its Epic, written without even the aid of paper; on scraps of leather, as the stout fighter and voyager snatched any moment from that wild warfare?

And what then had these men, which Burns wanted? Two things; both which, it seems to us, are indispensable for such men. They had a true, religious principle of morals; and a single not a double aim in their activity. They were not self-seekers and self-worshippers; but seekers and worshippers of something far better than Self. Not personal Enjoyment was their object; but a high heroic idea of Religion, of Patriotism, of heavenly Wisdom in one or the other form, ever hovered before them; in which cause, they neither shrunk from suffering, nor called on the earth to witness it as something wonderful; but patiently endured, counting it blessedness enough so to spend and be spent. Thus the 'golden-calf of Self-love,' however curiously carved, was not their Deity; but the Invisible Goodness, which alone is man's reasonable service. This feeling was as a celestial fountain, whose streams refreshed into gladness and beauty all the provinces of their otherwise too desolate existence. In a

word, they willed one thing, to which all other things were subordinated, and made subservient; and therefore they accomplished it. The wedge will rend rocks; but its edge must be sharp and single: if it be double, the wedge is bruised in pieces and will rend nothing.

Part of this superiority these men owed to their age; in which heroism and devotedness were still practised, or at least not yet disbelieved in: but much of it likewise, they owed to themselves. With Burns again it was different. His morality, in most of its practical points, is that of a mere worldly man; enjoyment, in a finer or coarser shape, is the only thing he longs and strives for. A noble instinct sometimes raises him above this; but an instinct only, and acting only for moments. He has no Religion; in the shallow age, where his days were cast, Religion was not discriminated from the New and Old Light *forms* of Religion; and was, with these, becoming obsolete in the minds of men. His heart, indeed, is alive with a trembling adoration, but there is no temple in his understanding. He lives in darkness and in the shadow of doubt. His religion, at best, is an anxious wish—like that of Rabelais, 'a great Perhaps.'

He loved Poetry warmly, and in his heart—could he but have loved it purely, and with his whole undivided heart, it had been well. For Poetry, as Burns could have followed it, is but another form of Wisdom, of Religion; is itself Wisdom and Religion. But this also was denied him. His poetry is a stray vagrant gleam, which will not be extinguished within him, yet rises not to be the true light of his path, but is often a wildfire that misleads him. It was not necessary for Burns to be rich, to be, or to seem, 'independent;' but *it was* necessary for him to be at one with his own heart; to place what was highest in his nature, highest also in his life; 'to seek within himself for that consistency and sequence, which external events would for ever refuse him.' He was born a poet; poetry was the celestial element of his being, and should have been the soul of his whole endeavours. Lifted into that serene ether, whither he had wings given him to mount, he would have needed no other elevation: Poverty, neglect, and all evil, save the desecration of himself and his Art, were a small matter to him; the pride and the passions of the world lay far beneath his feet; and he looked down alike on noble and slave, on prince and beggar, and all that wore the stamp of man, with clear recognition, with brotherly affection, with sympathy, with pity. Nay, we question whether for his culture as a Poet, poverty, and much suffering for a season, were not absolutely advantageous. Great men, in looking back over their lives, have testified to that effect. 'I would not for much,' says Jean

Paul, 'that I had been born richer.' And yet Paul's birth was poor enough; for, in another place, he adds: 'The prisoner's 'allowance is bread and water; and I had often only the latter.' But the gold that is refined in the hottest furnace comes out the purest; or, as he has himself expressed it, 'the canary-bird 'sings sweeter, the longer it has been trained in a darkened cage.'

A man like Burns might have divided his hours between poetry and virtuous industry; industry which all true feeling sanctions, nay prescribes, and which has a beauty, for that cause, beyond the pomp of thrones: but to divide his hours between poetry and rich men's banquets, was an ill-starred and inauspicious attempt. How could he be at ease at such banquets? What had he to do there, mingling his music with the coarse roar of altogether earthly voices, and brightening the thick smoke of intoxication with fire lent him from heaven? Was it his aim to *enjoy* life? To-morrow he must go drudge as an Exciseman! We wonder not that Burns became moody, indignant, and at times an offender against certain rules of society; but rather that he did not grow utterly frantic, and run *a muck* against them all. How could a man, so falsely placed, by his own or others' fault, ever know contentment or peaceable diligence for an hour? What he did, under such perverse guidance, and what he forbore to do, alike fill us with astonishment at the natural strength and worth of his character.

Doubtless there was a remedy for this perverseness: but not in others; only in himself; least of all in simple increase of wealth and worldly 'respectability.' We hope we have now heard enough about the efficacy of wealth for poetry, and to make poets happy. Nay, have we not seen another instance of it in these very days? Byron, a man of an endowment considerably less ethereal than that of Burns, is born in the rank not of a Scottish ploughman, but of an English peer: the highest worldly honours, the fairest worldly career, are his by inheritance; the richest harvest of fame he soon reaps, in another province, by his own hand. And what does all this avail him? Is he happy, is he good, is he true? Alas, he has a poet's soul, and strives towards the Infinite and the Eternal; and soon feels that all this is but mounting to the house-top to reach the stars! Like Burns, he is only a proud man; might like him have 'purchased a 'pocket-copy of Milton to study the character of Satan;' for Satan also is Byron's grand exemplar, the hero of his poetry, and the model apparently of his conduct. As in Burns's case too, the celestial element will not mingle with the clay of earth; both poet and man of the world he must not be; vulgar Ambition will not live kindly with poetic Adoration; he *cannot* serve God and

Mammon. Byron, like Burns, is not happy; nay, he is the most wretched of all men. His life is falsely arranged: the fire that is in him is not a strong, still, central fire, warming into beauty the products of a world; but it is the mad fire of a volcano; and now—we look sadly into the ashes of a crater, which, erelong, will fill itself with snow!

Byron and Burns were sent forth as missionaries to their generation, to teach it a higher Doctrine, a purer Truth: they had a message to deliver, which left them no rest till it was accomplished; in dim throes of pain, this divine behest lay smouldering within them; for they knew not what it meant, and felt it only in mysterious anticipation, and they had to die without articulately uttering it. They are in the camp of the Unconverted. Yet not as high messengers of rigorous though benignant truth, but as soft flattering singers, and in pleasant fellowship will they live there: they are first adulated, then persecuted; they accomplish little for others; they find no peace for themselves, but only death and the peace of the grave. We confess, it is not without a certain mournful awe that we view the fate of these noble souls, so richly gifted, yet ruined to so little purpose with all their gifts. It seems to us there is a stern moral taught in this piece of history—*twice* told us in our own time! Surely to men of like genius, if there be any such, it carries with it a lesson of deep impressive significance. Surely it would become such a man, furnished for the highest of all enterprises, that of being the Poet of his Age, to consider well what it is that he attempts, and in what spirit he attempts it. For the words of Milton are true in all times, and were never truer than in this: 'He who would write heroic poems, must make his whole life a 'heroic poem.' If he cannot first so make his life, then let him hasten from this arena; for neither its lofty glories, nor its fearful perils, are for him. Let him dwindle into a modish balladmonger; let him worship and be-sing the idols of the time, and the time will not fail to reward him—if, indeed, he can endure to live in that capacity! Byron and Burns could not live as idol-priests, but the fire of their own hearts consumed them; and better it was for them that they could not. For it is not in the favour of the great, or of the small, but in a life of truth, and in the inexpugnable citadel of his own soul, that a Byron's or a Burns's strength must lie. Let the great stand aloof from him, or know how to reverence him. Beautiful is the union of wealth with favour and furtherance for literature; like the costliest flower-jar enclosing the loveliest amaranth. Yet let not the relation be mistaken. A true poet is not one whom they can hire by money or flattery to be a minister of their pleasures, their

writer of occasional verses, their purveyor of table-wit; he cannot be their menial, he cannot even be their partisan. At the peril of both parties, let no such union be attempted! Will a Courser of the Sun work softly in the harness of a Dray-horse? His hoofs are of fire, and his path is through the heavens, bringing light to all lands: will he lumber on mud highways, dragging ale for earthly appetites, from door to door?

But we must stop short in these considerations, which would lead us to boundless lengths. We had something to say on the public moral character of Burns; but this also we must forbear. We are far from regarding him as guilty before the world, as guiltier than the average; nay, from doubting that he is less guilty than one of ten thousand. Tried at a tribunal far more rigid than that where the *Plebiscita* of common civic reputations are pronounced, he has seemed to us even there less worthy of blame than of pity and wonder. But the world is habitually unjust in its judgments of such men; unjust on many grounds, of which this one may be stated as the substance: It decides, like a court of law, by dead statutes; and not positively but negatively, less on what is done right, than on what is, or is not, done wrong. Not the few inches of deflection from the mathematical orbit, which are so easily measured, but the *ratio* of these to the whole diameter, constitutes the real aberration. This orbit may be a planet's, its diameter the breadth of the solar system; or it may be a city hippodrome; nay, the circle of a ginhorse, its diameter a score of feet or paces. But the inches of deflection only are measured; and it is assumed that the diameter of the ginhorse and that of the planet, will yield the same ratio when compared with them. Here lies the root of many a blind cruel condemnation of Burnses, Swifts, Rousseaus, which one never listens to with approval. Granted, the ship comes into harbour with shrouds and tackle damaged; and the pilot is therefore blame-worthy; for he has not been all-wise and all-powerful; but to know *how* blame-worthy, tell us first whether his voyage has been round the Globe, or only to Ramsgate and the Isle of Dogs.

With our readers in general, with men of right feeling anywhere, we are not required to plead for Burns. In pitying admiration, he lies enshrined in all our hearts, in a far nobler mausoleum than that one of marble; neither will his Works, even as they are, pass away from the memory of men. While the Shakspeares and Miltons roll on like mighty rivers through the country of Thought, bearing fleets of traffickers and assiduous pearl-fishers on their waves; this little Valclusa Fountain will also arrest our eye: For this also is of Nature's own and most cunning workmanship, bursts from the depths of the earth with

a full gushing current, into the light of day; and often will the traveller turn aside to drink of its clear waters, and muse among its rocks and pines!

ART. II.—1. *Narrative of a Journey through the Upper Provinces of India, from Calcutta to Bombay*, 1824, 1825, *(with Notes upon Ceylon;) an Account of a Journey to Madras and the Southern Provinces*, 1826; *and Letters written in India.* By the late Right Reverend REGINALD HEBER, Lord Bishop of Calcutta. Second Edition. 2 vols. 8vo. London, 1828.

2. *A View of the present State and future Prospects of the Free Trade and Colonization of India.* 8vo. pp. 124. London, 1828.

THIS is another book for Englishmen to be proud of—almost as delightful as the Memoirs of Lord Collingwood, and indebted for its attractions mainly to the same cause—the singularly amiable and exalted character of the person to whom it relates—and that combination of gentleness with heroic ambition, and simplicity with high station, which we would still fondly regard as characteristic of our own nation. To us in Scotland the combination seems, in this instance, even more admirable than in that of the great Admiral. We have no Bishops on our establishment; and have been accustomed to think that we are better without them. But if we could persuade ourselves that bishops in general were at all like Bishop Heber, we should tremble for our Presbyterian orthodoxy, and feel not only veneration, but something very like envy, for a communion which could number many such men among its ministers.

The notion entertained of a Bishop, in our antiepiscopal latitudes, is likely enough, we admit, not to be altogether just:—and we are far from upholding it as correct when we say, that a Bishop, among us, is generally supposed to be a stately and pompous person, clothed in purple and fine linen and faring sumptuously every day—somewhat obsequious to persons in power, and somewhat haughty and imperative to those who are beneath him—with more authority in his tone and manner, than solidity in his learning; and yet with much more learning than charity or humility—very fond of being called my Lord, and driving about in a coach with mitres on the panels, but little addicted to visiting the sick and fatherless, or earning for himself the blessing of those who are ready to perish—

——— 'Familiar with a round
Of ladyships—a stranger to the poor'—

decorous in manners, but no foe to luxurious indulgences—rigid in maintaining discipline among his immediate dependents, and in exacting the homage due to his dignity from the undignified mob of his brethren; but perfectly willing to leave to them the undivided privileges of comforting and of teaching their people, and of soothing the sins and sorrows of their erring flocks—scornful, if not openly hostile, upon all occasions, to the claims of the people, from whom he is generally sprung—and presuming every thing in favour of the royal will and prerogative, by which he has been exalted—setting, indeed, in all cases, a much higher value on the privileges of the few, than the rights that are common to all, and exerting himself strenuously that the former may ever prevail—caring more, accordingly, for the interests of his order than the general good of the church, and far more for the church than for the religion it was established to teach —hating dissenters still more bitterly than infidels—but combating both rather with obloquy and invocation of civil penalties, than with the artillery of a powerful reason, or the reconciling influences of an humble and holy life—uttering now and then haughty professions of humility, and regularly bewailing, at fit seasons, the severity of those Episcopal labours, which sadden, and even threaten to abridge a life, which to all other eyes appears to flow on in almost unbroken leisure and continued indulgence.

This, or something like this, we take to be the notion that most of us Presbyterians have been used to entertain of a modern Bishop: and it is mainly because they believed that the rank and opulence which the station implied, were likely to realize this character in those who should be placed in it, that our ancestors contended so strenuously for the abrogation of the order, and thought their Reformation incomplete till it was finally put down—till all the ministers of the Gospel were truly pastors of souls, and stood in no other relation to each other than as fellow labourers in the same vineyard. If this notion be utterly erroneous, the picture which Bishop Heber has here drawn of himself, must tend powerfully to correct it. If, on the other hand, it be in any respect just, he must be allowed, at all events, to have been a splendid exception. We are willing to take it either way; though we must say that we incline rather to the latter alternative—since it is difficult to suppose, with all due allowance for prejudices, that our abstract idea of a Bishop should be in such flagrant contradiction to the truth, that one who was merely a fair specimen of the order, should be most accurately characterised by precisely reversing every thing that entered into that idea. Yet this is manifestly the case with Bishop He-

ber, of whom we do not know at this moment how we could give a better description, than by merely *reading backwards* all we have ventured to set down as characteristic of his right reverend brethren. Learned, polished, and dignified, he was undoubtedly; yet far more conspicuously kind, humble, tolerant, and laborious—zealous for his church too, and not forgetful of his station; but remembering it more for the duties than for the honours that were attached to it, and infinitely more zealous for the religious improvement, and for the happiness, and spiritual and worldly good of his fellow creatures of every tongue, faith, and complexion: indulgent to all errors and infirmities—liberal, in the best and truest sense of the word—humble and conscientiously diffident of his own excellent judgment and never-failing charity—looking on all men as the children of one God, on all Christians as the redeemed of one Saviour, and on all Christian teachers as fellow labourers, bound to help and encourage each other in their arduous and anxious task. His portion of the work, accordingly, he wrought faithfully, zealously, and well; and, devoting himself to his duty with a truly apostolical fervour, made no scruple to forego for its sake, not merely his personal ease and comfort, but those domestic affections which were ever so much more valuable in his eyes, and in the end, we fear, consummating the sacrifice with his life! If such a character be common among the dignitaries of the English Church, we sincerely congratulate them on the fact, and bow our heads in homage and veneration before them. If it be rare, as we fear it must be, in any church, we trust we do no unworthy service in pointing it out for honour and imitation to all; in praying that the example, in all its parts, may promote the growth of similar virtues among all denominations of Christians, in every region of the world.

But though the great charm of the book be derived from the character of its lamented author, we are not sure that this is by any means what will give it its great or most permanent value. Independently of its moral attraction, we are inclined to think it, on the whole, the most instructive and important publication that has ever been given to the world, on the actual state and condition of our Indian Empire: Not only exhibiting a more clear, graphic, and intelligible account of the country, and the various races by which it is peopled, but presenting us with more candid, judicious, and reasonable views of all the great questions relating to its destiny, and our interests and duties with regard to it, than are anywhere else to be met with. It is the result, no doubt, of a hasty and somewhat superficial survey. But it embraces a very wide and various range, and thus affords the means of correcting errors, which are almost inseparable from a

narrower observation; and has, above all, the inestimable advantage of being given, while the freshness of the first impression was undiminished, and the fairness of the first judgment unperverted by the gradual accumulation of interests, prejudices, and deference to partial authorities; and given by a man not only free from all previous bias, but of such singular candour, calmness, and deliberation of judgment, that we would, in almost any case, take his testimony, even on a superficial view, against that of a much cleverer person, who, with ampler opportunities, had surveyed or reported with the feelings, consciously or unconsciously cherished, of an advocate, a theorist, a bigot, or a partisan.

Unhappily, almost all those who have hitherto had the means of knowing much about India, have been, in a greater or less degree, subject to these influences; and the consequence has been, that though that great country is truly a portion of our own—and though we may find, in every large town, whole clubs of intelligent men, returned after twenty or thirty years' residence in it in high situations, it is nearly impossible to get any distinct notion of its general condition, or to obtain such information as to its institutions and capacities as may be furnished by an ordinary book of travels, as to countries infinitely less important or easy of access. Various causes, besides the repulsions of a hostile and jealous religion, have conspired to produce this effect. In the first place, the greater part of our *revenans* have been too long in the other world, to be able to describe it in such a way as to be either interesting or intelligible to the inhabitants of this. They have been too long familiar with its aspects to know how they would strike a stranger; and have confounded, in their passive and incurious impressions, the most trivial and insignificant usages, with practices and principles that are in the highest degree curious, and of the deepest moral concernment. In the next place, by far the greater part of these experienced and authoritative residents have seen but a very small portion of the mighty regions with which they are too hastily presumed to be generally acquainted; and have for the most part seen even those, only in the course of some limited professional or official occupation, and only with the eyes of their peculiar craft or profession. They have been traders, or soldiers, or tax-gatherers—with here and there a diplomatic agent, an engineer, or a naturalist—all too busy, and too much engrossed with the special object of their several missions, to have time to look to the general condition of the country—and almost all moving through it, with a retinue and accompaniment of authority, which excluded all

actual contact with the people, and even, in a great degree, the possibility of seeing them in their natural state. We have historical memoirs accordingly, and accounts of military expeditions, of great value and accuracy; and are beginning to have reports of the culture of indigo, of the general profits of trade, and of the heights and structure of mountains, that may be depended on. But, with the exception of Mr Elphinstone's Caubul and Sir John Malcolm's Central India—both relating to very limited and peculiar districts—we have no good account of the country or the people. But by far the worst obstruction to the attainment of correct information is to be found in the hostility which has prevailed for the last fifteen or twenty years, between the adversaries and the advocates of the East India Company and its monopoly; and which has divided almost all who are now able and willing to enlighten us on its concerns, into the champions of opposite factions, characterized, we fear we must add, with a full share of the partiality, exaggeration, and inaccuracy, which has at all times been chargeable upon such champions. In so large and complicated a subject, there is room of course for plausible representations on both sides; but what we chiefly complain of is, that both parties have been so anxious to make a case for themselves, that neither of them have thought of stating *the whole facts,* so as to enable the public to judge between them. They have invariably brought forward only what they thought peculiarly favourable for themselves, or peculiarly unfavourable for the adversary, and have fought to the utterance upon those high grounds of quarrel; but have left out all that is not prominent and remarkable—that is, all that is truly characteristic of the general state of the country, and the ordinary conduct of its government; by reference to which alone, the real magnitude of the alleged benefits or abuses is to be estimated.

It is chiefly for these reasons that we have hitherto been shy, perhaps to a blameable excess, in engaging with the great questions of Indian policy, which have of late years engrossed so much attention. Feeling the extreme difficulty of getting safe materials for our judgment, we have been conscientiously unwilling to take a decided or leading part in discussions which did not seem to us to be conducted, on either part, in a spirit of perfect fairness, on a sufficient view of well-established facts, or on a large and comprehensive perception of the principles to which they referred. With a strong general leaning against all monopoly and arbitrary restrictions, we could not but feel that the case of India was peculiar in many respects; and that more than usual deliberation was due, not only to its vast practical importance, but to the weight of experience and authority that

seemed arrayed against our predilections; and we longed, above all things, for a calm and dispassionate statement of facts from a recent and intelligent observer, unconnected, if possible, either by interest or any other tie, with either of the parties, and untainted even by any preparatory study of their controversies; but applying his mind with perfect freedom and fairness to what fell under his own immediate observation, and recording his impressions with that tranquil sincerity which can scarcely ever be relied on but where the record is meant to be absolutely private, and is consequently made up without any feeling of responsibility, ambition, or deference. Such a statement, and much more than such a statement, we have in the work before us; and both now, and on all future occasions, we feel that it has relieved us from the chief difficulty we have hitherto experienced in forming our opinions, and supplied the most valuable elements for the discussions to which we have alluded. The author, it must be admitted, was more in connexion with the Government than with any party or individual opposed to it, and was more exposed, therefore, to a bias in that direction. But he was, at the same time, so entirely independent of its favours, and so much more removed from its influence than any one with nearly the same means of observation, and was withal of a nature so perfectly candid, upright, and conscientious, that he may be regarded, we think, as altogether impartial; and we verily believe has set down nothing in this private journal, intended only for his own eye or that of his wife, not only that he did not honestly think, but that he would not have openly stated, to the Governor in Council, or to the Court of Directors themselves.

The Bishop sailed for India with his family, in 1823, and in June 1824, set out on the visitation of his Imperial Diocese, having been obliged, much against his will, to leave his wife and children, on account of their health, behind him. He ascended the Ganges to Dacca and Benares, and proceeded by Oude and Lucknow to Delhi and Agra, and to Almorah at the base of the Himalaya mountains, and so onward through the newly-acquired provinces of Malwah, to Guzerat and Bombay, where he had the happiness of rejoining Mrs Heber. They afterwards sailed together to Ceylon; and after some stay in that island, returned, in October 1825, to Calcutta. In January 1826, the indefatigable prelate sailed again for Madras, and proceeded in March to the visitation of the southern provinces; but had only reached Tanjore, when his arduous and exemplary career was cut short, and all his labours of love and duty brought to an end, by a sudden and most unexpected death—having been seized with a fit in step-

ping into the bath, after having spent the morning in the offices of religion, on the 3d of April.

The work before us consists of a very copious journal, written for and transmitted to his wife, during his long peregrinations; and of several most valuable and interesting letters, addressed to her, and to his friends in England, in the course of the same journey, all written in a very pleasing, and even elegant, though familiar style, and indicating in every line not only the clear judgment and various accomplishments of the writer, but the singular kindness of heart and sweetness of temper, by which he seems to have been still more distinguished. He surveys every thing with the vigilance and delight of a cultivated and most active intellect—with the eye of an artist, an antiquary, and a naturalist—the feelings and judgment of an English gentleman and scholar—the sympathies of a most humane and generous man—and the piety, charity, and humility of a Christian. The work is somewhat diffuse, and exhibits some repetitions, and perhaps some inconsistencies. It is not such a work, in short, as the author would himself have offered to the public. But we do not know whether it is not more interesting than any that he could have prepared for publication. It carries us more completely into the very heart of the scenes he describes than any such work could have done, and it admits us more into his intimacy. We pity those, we confess, who find it tedious to accompany such a man on such a journey.

It is difficult to select extracts from a work like this; or, rather, it is not worth while to stand on selection. We cannot pretend to give any abstract of the whole, or to transfer to our pages any reasonable proportion of the beauty or instruction it contains. We can only justify our account of it by a few specimens, taken very much at random. The following may serve to show the unaffected and considerate kindness with which he treated his attendants, and all the inferior persons who came in contact with him; and the effects of that kindness on its objects.

'Two of my sepoys had been ill for several days, in much the same way with myself; I had treated them in a similar manner; and they were now doing well, but being Brahmins of high caste, I had much difficulty in conquering their scruples and doubts about the physic which I gave them. They both said that they would rather die than taste wine. They scrupled at my using a spoon to measure their castor-oil, and insisted that the water in which their medicines were mixed, should be poured by themselves only. They were very grateful, however, particularly for the care I took of them when I was myself ill, and said repeatedly that the sight of me in good health would be better to them than all medicines. They seemed now free from disease, but recovered their strength more slowly than I did, and I was glad to find that the

Soubahdar said he was authorized, under such circumstances, to engage a hackery at the company's expense, to carry them till they were fit to march. He mentioned this in consequence of my offering them a lift on a camel, which they were afraid of trying.

'Another sepoy, a very fine young fellow, called on me this evening to beg permission to go to see a brother who was with some companies cantoned at a little frontier post, eight coss to our left hand, the name of which I forget. He said that as he was to go into Rajapootana, he did not know when he should meet him again; and added, that he could easily travel the eight coss that night, and would rejoin me at Shahjehanpoor. I told him not to hurry himself to do so, but to take the straight northern road to Bareilly, by which means he might fall in with me before I reached that city, and that I would give him a pass for four days. He was much delighted; and I mention the circumstance chiefly to show the falsehood of the common notion, that these poor people will take no trouble for the sake of their kindred.'——————

'I went in the afternoon to the hospital to see the sepoy and camel-driver. The former I found in much distress and depression of spirits, from being in a strange place and without a nurse. Being a Brahmin, he could only receive nourishment, and particularly water, from one of his own caste, and there was no such person attached to the hospital. He was quite sensible, but very feverish, and seemed to think himself left to die. I encouraged him as well as I could, and wrote a note to Mr Simms, begging him to get a Brahmin for him, which he might easily do from the regiment quartered in the place. The poor camel-driver thought himself better, his fever having intermitted. The hospital is a very comfortable one for this climate, a large thatched bungalow, all in one room like a barn, with sufficient air, and very well verandah'd round. The beds were clean and comfortable, and there seemed no want of any thing, but that peculiar attendance which the prejudices of the Hindoos require, and which, I was given to understand, would on my application be immediately supplied.'——————

'One of the Raja's soldiers sate down on the parapet of a deep and broad well or "boolee," with a wide flight of steps down to the water's edge. Here he either fell asleep or was seized with a fit; at all events he rolled over, fell at least forty feet on the stone staircase, and was dashed to pieces. He had no wife, but left two children, one a boy in service, the other a little girl of eight years old. Her uncle brought this child to me in consequence of my inquiries, and the interest which I took in the business; the poor little thing seemed hardly to understand what had happened, except that something dismal had befallen her father; and her blubbered cheeks, her great black eyes, which were fixed on me between fear and astonishment, and her friendless state, affected me much. I gave her money enough to burn the dead body, and leave her something over for her own immediate maintenance, and recommended her to the care of her uncle, who confessed himself to be her natural guardian.'——————

'I had a singular instance this evening of the fact how mere children all soldiers, and I think particularly sepoys, are, when put a little out of their usual way. On going to the place where my escort was hutted, I

found that there was not room for them all under its shelter, and that four were preparing to sleep on the open field. Within a hundred yards stood another similar hut unoccupied, a little out of repair, but tolerably tenantable. "Why do you not go thither?" was my question. "We like to sleep altogether," was their answer. "But why not bring the branches here, and make your own hut larger? see, I will show you the way." They started up immediately, in great apparent delight; every man brought a bough, and the work was done in five minutes, being only interrupted every now and then by exclamations of "Good, good, poor man's provider!"'——————

'A little before five in the morning, the servants came to me for directions, and to say that the good careful old Soubahdar was very ill and unable to leave his tent. I immediately put on my clothes and went down to the camp, in my way to which they told me, that he had been taken unwell at night, and that Dr Smith had given him medicine. They had none of them, however, seen him since. I therefore wakened Dr Smith to ask him what was the matter, and was informed that his illness was slight, and that he would be able to set off at his usual time. I thought it best to go to his tent, and ask him how he was, to which he answered that he felt well. I told him, however, that he had better remain quiet, and that his tent and bed might perfectly well go on in the course of the day. As he was returning to his tent he had fallen down, and I found him in the arms of two of his men, apparently in a swoon, but making a faint moaning noise. I made them loosen the cloth which was wrapped round his head and throat, and bid them sprinkle his face with water, while I ran for Dr Smith, who had been already alarmed, and came immediately. He opened a vein, and, with much humane patience, continued to try different remedies while any chance remained; but no blood flowed, and no sign of life could be detected from the time of his coming up, except a feeble flutter at the heart, which soon ceased. He was at an advanced age, at least for an Indian, though apparently hale and robust. I felt it a comfort that I had not urged him to any exertion, and that in fact I had endeavoured to persuade him to lie still till he was quite well. But I was necessarily much shocked by the sudden end of one who had travelled with me so far, and whose conduct had, in every instance, given me satisfaction. Nor, while writing this, can I recollect without a real pang, his calm countenance and grey hairs, as he sate in his tent door, telling his beads in an afternoon, or walked with me, as he seldom failed to do, through the villages on an evening, with his own silver-hilted sabre under his arm, his loose cotton mantle folded round him, and his golden necklace and Rajpoot string just visible above it.'

'The death of the poor Soubahdar led to the question, whether there would be still time to send on the baggage. All the Mussulmans pressed our immediate departure, while the Hindoos begged that they might be allowed to stay, at least, till sunset. I determined on remaining, not only as, in my opinion, more decent and respectful to the memory of a good and aged officer, but because the things being already packed up and ready to put on the camels, it would be easy to send them off at midnight, and run the two first stages towards Nusseerabad into one.'

'In the way, at Futtehgunge, I passed the tents pitched for the large party which were to return towards Cawnpoor next day, and I was much pleased and gratified by the Soubahdar and the greater number of the sepoys of my old escort running into the middle of the road to bid me another farewell, and again express their regret that they were not going on with me "to the world's end." They who talk of the ingratitude of the Indian character, should, I think, pay a little more attention to cases of this sort. These men neither got nor expected any thing by this little expression of good-will. If I had offered them money, they would have been bound, by the rules of the service, and their own dignity, not to take it. Sufficient civility and respect would have been paid if any of them who happened to be near the road had touched their caps, and I really can suppose them actuated by no motive but good-will. It had not been excited, so far as I know, by any particular desert on my part; but I had always spoken to them civilly, had paid some attention to their comforts in securing them tents, firewood, and camels for their knapsacks, and had ordered them a dinner, after their own fashion, on their arrival at Lucknow, at the expense of, I believe, not more than four rupees! Surely if good-will is to be bought by these sort of attentions, it is a pity that any body should neglect them.'——

'Here I remained the whole of the next day, being too ill to move. At the time that I gave orders for this halt, I know not why, but the whole caravan seemed to be convinced that I was not long for this world. Abdullah worried me a good deal with his lamentations on my premature end in the wilderness, recommending all manner of unattainable or improper remedies, and talking all sorts of absurd wisdom, at the same time that his eyes were really full of tears. The poor sirdar said nothing, but showed a most pitiful face every ten or twelve minutes through the tent door. The "goomashta," or master of the camels, the old Soubahdar, the Aûmeen, and many others, came to offer up their good wishes and prayers for my recovery; and, perhaps, the best and most useful proof of their good-will was, that I heard no needless noise in the camp the whole day; and, if a voice were raised, "chup! chup!" "silence! silence!" followed immediately. Abdullah offered to push on with the camels to procure assistance; and I promised him that, if I were not better next morning, I would send him or some other messenger. But through the mercy of God, the remedies I took, almost in utter ignorance, proved successful, and I found myself so much better on the morning of Saturday, November the 6th, as to be enabled to perform my day's journey with ease in the palanquin; and I received the felicitations of all the elders of the camp on my recovery.'——

'In crossing a nuddee, which from a ford had become a ferry, we saw some characteristic groups and occurrences; the price of passage in the boat was only a few cowries, but a number of country folk were assembled, who could not, or would not, pay, and were now sitting patiently by the brink, waiting till the torrent should subside, or, what was far less likely to happen, till the boatmen should take compassion on them. Many of these poor people came up to beg me to make the boatmen take them over, one woman pleading that her "malik our bucher," (literally master, or lord, and young one) had run away from her, and she wanted

to overtake them; another that she and her two grandchildren were following her son, who was a Havildar in the regiment which we had passed just before; and some others, that they had been intercepted the previous day by this torrent, and had neither money nor food till they reached their homes. Four anas purchased a passage for the whole crowd, of perhaps thirty people, and they were really very thankful. I bestowed two anas more on the poor deserted woman, and a whimsical scene ensued. She at first took the money with eagerness, then, as if she recollected herself, she blushed very deeply, and seemed much confused, then bowed herself to my feet, and kissed my hands, and at last said, in a very modest tone, "it was not fit for so great a man as I was, to give her two anas, and she hoped that I and the 'chota Sahib,' (little lord) would give her a rupee each!" She was an extremely pretty little woman, but we were inexorable; partly I believe, in my own case at least, because we had only just rupees enough to take us to Cawnpoor, and to pay for our men's provisions; however, I gave her two more anas, my sole remaining stock of small change.'

These few traits will do, we believe; but we must add a few more, to let the reader fully into the noble humanity and genuine softness of this man's heart.

'In the course of this evening a fellow, who said he was a gao-wala brought me two poor little leverets, which he said he had just found in a field. They were quite unfit to eat, and bringing them was an act of cruelty of which there are few instances among the Hindoos, who are generally humane to wild animals. In this case, on my scolding the man for bringing such poor little things from their mother, all the crowd of camel-drivers and camp-followers, of whom no inconsiderable number were around us, expressed great satisfaction and an entire concurrence in my censure. It ended in the man promising to take them back to the very spot (which he described) where he had picked them up, and in my promising him an ana if he did so. To see him keep his word two stout waggoner's boys immediately volunteered their services, and I have no doubt kept him to his contract.'

'The same adviser wanted me to take off a joint of Câbul's tail, under the hair, so as not to injure his appearance. "It was known," he said, "that by how much the tail was made shorter, so much the taller the horse grew." I said, "I could not believe that God gave any animal a limb too much, or one which tended to its disadvantage, and that as He had made my horse, so he should remain." This speech, such as it was, seemed to chime in wonderfully with the feelings of most of my hearers, and one old man said, that "during all the 22 years that the English had held the country, he had not heard so grave and godly a saying from any of them before." I thought of Sancho Panza and his wise apophthegms! but I regretted that, without doing more harm than good, I could not, with my present knowledge of Hindoostanee, tell them any thing which was really worth their hearing.'

'One poor old woman, to whom I gave half a rupee on account of her great age and infirmities, was, after I had passed, thrown down, trampled on, and her hands, arms, and breast, dreadfully pinched and

bruised, to compel her to unlock her grasp of the money. The Resident's people rescued her, or she probably would have been killed. I observed, by the way, that my chobdar and the rest of my escort, seemed to think that it was strange to give more to a woman than to most of the men; and I had noticed, on many occasions, that all through India any thing is thought good enough for the weaker sex, and that the roughest words, the poorest garments, the scantiest alms, the most degrading labour, and the hardest blows, are generally their portion. The same chuprassee who, in clearing the way before a great man, speaks civilly enough to those of his own sex, cuffs and kicks any unfortunate female who crosses his path without warning or forbearance. Yet to young children they are all gentleness and indulgence. What riddles men are! and how strangely do they differ in different countries! An idle boy in a crowd would infallibly, in England, get his head broken, but what an outcry would be raised if an unoffending woman were beaten by one of the satellites of authority! Perhaps both parties might learn something from each other; at least I have always thought it very hard to see beadles, in England, lashing away children on all public occasions, as if curiosity were a crime at an age in which it is, of all others, most natural.'——————

'Our elephants were receiving their drink at a well, and I gave the largest some bread, which, before my illness, I had often been in the habit of doing. "He is glad to see you again," observed the goomashta, and I certainly was much struck by the calm, clear, attentive, intelligent eye which he fixed on me, both while he was eating, and afterwards, while I was patting his trunk and talking about him. He was, he said, a fine-tempered beast, but the two others were "great rascals." One of them had once almost killed his keeper. I have got these poor beasts' allowance increased in consideration of their long march; and that they may not be wronged, have ordered the mohout to give them all their gram in presence of a sentry. The gram is made up in cakes, about as large as the top of a hat-box, and baked on an earthen pot. Each contains a seer, and sixteen of them are considered as sufficient for one day's food for an elephant on a march. The suwarree elephant had only twelve, but I ordered him the full allowance, as well as an increase to the others. If they knew this, they would indeed be glad to see me.'——————

'The morning was positively cold, and the whole scene, with the exercise of the march, the picturesque groups of men and animals round me,—the bracing air, the singing of birds, the light mist hanging on the trees, and the glistening dew, had something at once so Oriental and so English, I have seldom found any thing better adapted to raise a man's animal spirits, and put him in good temper with himself and all the world. How I wish those I love were with me! How much my wife would enjoy this sort of life,—its exercise, its cleanliness, and purity; its constant occupation, and at the same time its comparative freedom from form, care, and vexation! At the same time a man who is curious in his eating, had better not come here. Lamb and kid (and we get no other flesh) most people would soon tire of. The only fowls which are attainable are as tough and lean as can be desired; and the milk and butter are generally seasoned with the never-failing condiments of Hindostan,

—smoke and soot. These, however, are matters to which it is not difficult to become reconciled, and all the more serious points of warmth, shade, cleanliness, air, and water, are at this season nowhere enjoyed better than in the spacious and well-contrived tents, the ample means of transport, the fine climate, and fertile regions of Northern Hindostan. Another time, by God's blessing, I will not be alone in this Eden; yet I confess there are few people whom I greatly wish to have as associates in such a journey. It is only a wife, or a friend so intimate as to be quite another self, whom one is really anxious to be with one while travelling through a new country.'

Instead of wishing, as we should have expected a bishop to do, to move in the dignified and conspicuous circle at the seat of Government, it is interesting to find this exemplary person actually languishing for a more retired and obscure situation.

'Do you know, dearest, that I sometimes think we should be more useful, and happier, if Cawnpoor or Benares, not Calcutta, were our home? My visitations would be made with far more convenience, the expense of house rent would be less to the Company, and our own expenses of living would be reduced very considerably. The air, even of Cawnpoor, is, I apprehend, better than that of Bengal, and that of Benares decidedly so. The greater part of my business with government may be done as well by letters as personal interviews; and, if the Archdeacon of Calcutta were resident there, it seems more natural that the Bishop of India should remain in the centre of his diocese. The only objection is the great number of Christians in Calcutta, and the consequent probability that my preaching is more useful there than it would be anywhere else. We may talk these points over when we meet.'

One of the most characteristic passages in the book, is the account of his interview with a learned and very liberal Brahmin in Guzerât, whom he understood to teach a far purer morality than is usually enjoined by his brethren, and also to discountenance the distinction of castes, and to inculcate a signal toleration.

'About eleven o'clock I had the expected visit from Swaamee Narain, to my interview with whom I had looked forward with an anxiety and eagerness which, if he had known it, would perhaps have flattered him. He came in a somewhat different style from all which I expected, having with him nearly 200 horsemen, mostly well-armed with matchlocks and swords, and several of them with coats of mail and spears. Besides them he had a large rabble on foot, with bows and arrows; and when I considered that I had myself more than fifty horse, and fifty muskets and bayonets, I could not help smiling, though my sensations were in some degree painful and humiliating, at the idea of two religious teachers meeting at the head of little armies, and filling the city, which was the scene of their interview, with the rattling of quivers, the clash of shields, and the tramp of the war-horse. Had our troops been opposed to each other, mine, though less numerous, would have been doubtless far more effective, from the superiority of arms and discipline. But, in moral

grandeur, what a difference was there between his troop and mine! Mine neither knew me, nor cared for me; they escorted me faithfully, and would have defended me bravely, because they were ordered by their superiors to do so, and as they would have done for any other stranger of sufficient worldly rank, to make such attendance usual. The guards of Swaamee Narain were his own disciples and enthusiastic admirers, men who had voluntarily repaired to hear his lessons, who now took a pride in doing him honour, and who would cheerfully fight to the last drop of blood rather than suffer a fringe of his garment to be handled roughly. In the parish of Hodnet there were once perhaps a few honest countrymen who felt something like this for me; but how long a time must elapse before any Christian teacher in India can hope to be thus loved and honoured! After the usual mutual compliments, I said that I had heard much good of him, and the good doctrine which he preached among the poor people of Guzerât, and that I greatly desired his acquaintance; that I regretted that I knew Hindoostanee so imperfectly, but that I should be very glad, so far as my knowledge of the language allowed, and by the interpretation of friends, to learn what he believed on religious matters, and to tell him what I myself believed; and that if he would come and see me at Kairah, where we should have more leisure, I would have a tent pitched for him and treat him like a brother. I said this, because I was very earnestly desirous of getting him a copy of the Scriptures, of which I had none with me, in the Nagree character, and persuading him to read them; and because I had some further hopes of inducing him to go with me to Bombay, where I hoped that, by conciliatory treatment, and the conversations to which I might introduce him with the Church Missionary Society, established in that neighbourhood, I might do him more good than I could otherwise hope to do.

'I saw that both he, and, still more, his disciples, were highly pleased by the invitation which I gave him; but he said, in reply, that his life was one of very little leisure, that he had 5000 disciples now attending on his preaching in the neighbouring villages, and nearly 50,000 in different parts of Guzerât; that a great number of these were to assemble together in the course of next week, on occasion of his brother's son coming of age to receive the Brahminical string, but that if I staid long enough in the neighbourhood to allow him to get this engagement over, he would gladly come again to see me. "In the meantime," I said, "have you any objection to communicate some part of your doctrine now?" It was evidently what he came to do; and his disciples very visibly exulted in the opportunity of his perhaps converting me.'

The conference is too long to extract, but it is very curious; though the result fell something short of what the worthy Bishop, in the zeal of his benevolence, had anticipated. We should now leave the subject of the author's personal character, but it shines out so strongly in the account of the sudden death of one of his English friends and fellow-travellers, that we cannot refrain from gratifying our readers and ourselves with one other extract. Mr Stowe, the individual alluded to, died after

a short illness at Dacca. The day after his burial, the Bishop writes to his wife as follows:

'Sincerely as I have mourned, and do mourn him continually, the moment perhaps at which I felt his loss most keenly was on my return to this house. I had always after airings, or other short absences, been accustomed to run up immediately to his room to ask about his medicines and his nourishment, to find if he had wanted any thing during my absence, and to tell him what I had seen and heard. And now, as I went up stairs, I felt most painfully that the object of my solicitude was gone, and that there was nobody now to derive comfort or help from my coming, or whose eyes would faintly sparkle as I opened the door. I felt my heart sick, and inclined to accuse myself, as usual, of not having valued my poor friend sufficiently while I had him, and of having paid during the voyage too little attention to the state of his health; yet, from the hour I knew he was seriously ill, thank God! I can find nothing of wilful neglect to reproach myself with, though some things I might have done better, if I had not myself been in some respects unwell, and if I had not been constantly occupied with business and correspondence. But I hope I did what I could during the few last days; and when his danger was told me, I gave up every thing to him, and neither read nor wrote, nor paid or received visits, nor even went out of his room for a moment, except for very short and hurried meals.

'It will be long before I forget the guilelessness of his nature, the interest which he felt and expressed in all the beautiful and sequestered scenery which we passed through, his anxiety to be useful to me in any way which I could point out to him, (he was indeed very useful,) and above all, the unaffected pleasure which he took in discussing religious subjects, his diligence in studying the Bible, and the fearless humanity with which he examined the case, and administered to the wants, of nine poor Hindoos, the crew of a salt-barge, whom, as I mentioned in my Journal, we found lying sick together of a jungle fever, unable to leave the place where they lay, and unaided by the neighbouring villagers. I then little thought how soon he in his turn would require the aid he gave so cheerfully.'

On the day after, he writes in these terms to Miss Stowe, the sister of his departed friend.

'With a heavy heart, my dear Miss Stowe, I send you the enclosed keys. How to offer you consolation in your present grief, I know not; for by my own deep sense of the loss of an excellent friend, I know how much heavier is your burden. Separation of one kind or another is, indeed, one of the most frequent trials to which affectionate hearts are exposed. And if you can only regard your brother as removed for his own advantage to a distant country, you will find, perhaps, some of that misery alleviated under which you are now suffering. Had you remained in England when he came out hither, you would have been, for a time, divided no less effectually than you are now. The difference of hearing from him is almost all; and though you now have not that comfort, yet even without hearing from him, you may be well persuaded

(which there you could not always have been) that he is well and happy; and, above all, you may be persuaded, as your dear brother was most fully in his time of severest suffering, that God never smites his children in vain, or out of cruelty. His severest stripes are intended to heal, and he has doubtless some wise and gracious purpose both for your poor Martin and for you, in thus taking him from your side, and leaving you in this world, with *Himself* as your sole guardian. Meantime, in my wife and myself, you have friends, even in this remote land, who are anxious, as far as we have the power, to supply your brother's place, and whose best services you may command as freely as his whom you have lost. * * * * * * * *

'So long as you choose to remain with us, we will be, to our power, a sister and a brother to you. And it may be worth your consideration, whether in your present state of health and spirits, a journey, in my wife's society, will not be better for you than a dreary voyage home. But this is a point on which you must decide for yourself; I would scarcely venture to advise, far less dictate, where I am only anxious to serve. In my dear Emily you will already have had a most affectionate and sensible counsellor. * * * * * * * *

'And now, farewell! God support, bless, and comfort you! Such as my prayers are, you have them fervently and sincerely offered. But you have better and holier prayers than mine. That the spirits in Paradise pray for those whom they have left behind, I cannot doubt, since I cannot suppose that they cease to love us there; and your dear brother is thus still employed in your service, and still recommending you to the Throne of Mercy, to the all-sufficient and promised help of that God who is the Father of the fatherless, and of that blessed Son who hath assured us, that "they who mourn shall be comforted!"'

We dare not venture on any part, either of the descriptions of scenery and antiquities, or of the persons and presentations at the several native courts. But we have no hesitation in recommending them as by far the best and most interesting, in both sorts, that we have ever met with. The account of his journeyings and adventures in the mountain region at the foot of the Himalaya is peculiarly striking, from the affecting resemblance the author is continually tracing to the scenery of his beloved England, his more beloved Wales, or his most beloved Hodnet. Of the natives, in all their orders, he is a most indulgent and liberal judge, as well as a very exact observer. He estimates their civilization higher, we think, than any other traveller who has given an account of them, and is very much struck with the magnificence of their architecture—though very sceptical as to the high antiquity to which some of its finest specimens pretend. We cannot afford to give any of the splendid and luminous descriptions in which the work abounds. In a private letter he says,

'I had heard much of the airy and gaudy style of Oriental architecture, a notion, I apprehend, taken from that of China only, since soli-

dity, solemnity, and a richness of ornament, so well managed as not to interfere with solemnity, are the characteristics of all the ancient buildings which I have met with in this country. I recollect no corresponding parts of Windsor at all equal to the entrance of the castle of Delhi and its marble hall of audience, and even Delhi falls very short of Agra in situation, in majesty of outline, in size, and the costliness and beauty of its apartments.'

The following is a summary of his opinion of the people, in the same letter, which we think it right to give pretty fully in this place, though a part of it, we believe, was extracted in a former number.

'Of the people, so far as their natural character is concerned, I have been led to form, on the whole, a very favourable opinion. They have, unhappily, many of the vices arising from slavery, from an unsettled state of society, and immoral and erroneous systems of religion. But they are men of high and gallant courage, courteous, intelligent, and most eager after knowledge and improvement, with a remarkable aptitude for the abstract sciences, geometry, astronomy, &c. and for the imitative arts, painting and sculpture. They are sober, industrious, dutiful to their parents, and affectionate to their children, of tempers almost uniformly gentle and patient, and more easily affected by kindness and attention to their wants and feelings than almost any men whom I have met with. Their faults seem to arise from the hateful superstitions to which they are subject, and the unfavourable state of society in which they are placed. But if it should please God to make any considerable portion of them Christians, they would, I can well believe, put the best of European Christians to shame.'

And afterwards,—

'Their general character, however, has much which is extremely pleasing to me: they are brave, courteous, intelligent, and most eager after knowledge and improvement, with a remarkable talent for the science of geometry, astronomy, &c. as well as for the arts of painting and sculpture. In all these points they have had great difficulties to struggle with, both from the want of models, instruments, and elementary instruction; the indisposition, or rather the horror, entertained, till lately, by many among their European masters for giving them instruction of any kind; and now, from the real difficulty which exists of translating works of science into languages which have no corresponding terms. More has been done, and more successfully, to obviate these evils in the Presidency of Bombay than in any part of India which I have yet visited, through the wise and liberal policy of Mr Elphinstone; to whom this side of the Peninsula is also indebted for some very important and efficient improvements in the administration of justice, and who, both in amiable temper and manners, extensive and various information, acute good sense, energy, and application to business, is one of the most extraordinary men, as he is quite the most popular governor, that I have fallen in with.'

The following is also very important; and gives more new

and valuable information than many pretending volumes, by men who have been half their life in the countries to which they relate.

'Of the people of this country, and the manner in which they are governed, I have, as yet, hardly seen enough to form an opinion. I have seen enough, however, to find that the customs, the habits, and prejudices of the former are much misunderstood in England. We have all heard, for instance, of the humanity of the Hindoos towards brute creatures, their horror of animal food, &c.; and you may be, perhaps, as much surprised as I was, to find, that those who can afford it are hardly less carnivorous than ourselves; that even the purest Brahmins are allowed to eat mutton, and venison; that fish is permitted to many castes, and pork to many others, and that, though they consider it as a grievous crime to kill a cow or bullock for the purpose of eating, yet they treat their draft oxen, no less than their horses, with a degree of barbarous severity which would turn an English hackney coachman sick. Nor have their religious prejudices and the unchangeableness of their habits, been less exaggerated. Some of the best-informed of their nation, with whom I have conversed, assure me that half their most remarkable customs of civil and domestic life are borrowed from their Mohammedan conquerors; and at present there is an obvious and increasing disposition to imitate the English in every thing, which has already led to very remarkable changes, and will, probably, to still more important. The wealthy natives now all affect to have their houses decorated with Corinthian pillars, and filled with English furniture. They drive the best horses and the most dashing carriages in Calcutta. Many of them speak English fluently, and are tolerably read in English literature; and the children of one of our friends I saw one day dressed in jackets and trowsers, with round hats, shoes and stockings. In the Bengalee newspapers, of which there are two or three, politics are canvassed with a bias, as I am told, inclining to Whiggism, and one of their leading men gave a great dinner not long since in honour of the Spanish Revolution. Among the lower orders the same feeling shows itself more beneficially, in a growing neglect of *caste*—in not merely a willingness, but an anxiety, to send their children to our schools, and a desire to learn and speak English, which, if properly encouraged, might, I verily believe, in fifty years' time, make our language what the *Oordoo,* or *court* and *camp* language of the country (the Hindoostanee) is at present. And though instances of actual conversion to Christianity are, as yet, very uncommon, yet the number of children, both male and female, who are now receiving a sort of Christian education, reading the New Testament, repeating the Lord's Prayer and Commandments, and all with the consent, or at least, without the censure, of their parents or spiritual guides, have increased, during the last two years, to an amount which astonishes the old European residents, who were used to tremble at the name of a Missionary, and shrink from the common duties of Christianity, lest they should give offence to their heathen neighbours. So far from that being a consequence of the zeal which has been lately shown, many of the

Brahmins themselves express admiration of the morality of the Gospel, and profess to entertain a better opinion of the English since they have found that they too have a religion and a Shaster. All that seems necessary for the best effects to follow is, to let things take their course, to make the Missionaries discreet, to keep the Government as it now is, strictly neuter, and to place our confidence in a general diffusion of knowledge, and in making ourselves really useful to the temporal as well as spiritual interests of the people among whom we live. In all these points there is, indeed, great room for improvement. I do not by any means assent to the pictures of depravity and general worthlessness which some have drawn of the Hindoos. They are decidedly, by nature, a mild, pleasing, and intelligent race; sober, parsimonious; and, where an object is held out to them, most industrious and persevering. But the magistrates and lawyers all agree that in no country are lying and perjury so common, and so little regarded; and notwithstanding the apparent mildness of their manners, the criminal calendar is generally as full as in Ireland, with gang-robberies, setting fire to buildings, stacks, &c.; and the number of children who are decoyed aside, and murdered, for the sake of their ornaments, Lord Amherst assures me, is dreadful.'

We may add the following direct testimony on a point of some little curiosity, which has been alternately denied and exaggerated.

'At Broach is one of those remarkable institutions which have made a good deal of noise in Europe, as instances of Hindoo benevolence to inferior animals. I mean hospitals for sick and infirm beasts, birds, and insects. I was not able to visit it, but Mr Corsellis described it as a very dirty and neglected place, which, though it has considerable endowments in land, only serves to enrich the Brahmins who manage it. They have really animals of several different kinds there, not only those which are accounted sacred by the Hindoos, as monkeys, peacocks, &c. but horses, dogs, and cats, and they have also, in little boxes, an assortment of lice and fleas! It is not true, however, that they feed those pensioners on the flesh of beggars hired for the purpose. The Brahmins say that insects, as well as the other inmates of their infirmary, are fed with vegetables only, such as rice, &c. How the insects thrive I did not hear, but the old horses and dogs, nay the peacocks and apes, are allowed to starve, and the only creatures said to be in any tolerable plight are some milch cows, which may be kept from other motives than charity.'

He afterwards observes, that the Taxes throughout India, though not perhaps very heavy in themselves, are injudiciously contrived, and often oppressively levied; and recommends the entire abolition of those now imposed on the use of public roads, bridges, &c. In Ceylon he also condemns unequivocally the present system of taxation, and the monopoly maintained by the government of the culture of the cinnamon. He everywhere bears testi-

mony to the prodigious increase of the demand for English Manufactures, since the partial opening of the trade; and repeatedly expresses his surprise at finding them both in common use, and in the stores of the native dealers, in the most remote and almost inaccessible quarters. Of the character and deportment of the indigo planters, with none of whom, however, he seems ever to have come in contact, he speaks in two passages with much disapprobation. On two great and much-contested questions he expresses himself as follows:—

'Lord Cornwallis's famous settlement of the Zemindary rents in Bengal, is often severely censured here, as not sufficiently protecting the Ryuts, and depriving the Government of all advantage from the improvements of the territory. They who reason thus, have, apparently, forgotten that, without some such settlement, those improvements would never have taken place at all; that almost every Zemindary which is brought to the hammer (and they are pretty numerous) is divided and subdivided, by each successive sale, among smaller proprietors, and that the progress is manifestly going on to a minute division of the soil among the actual cultivators, and subject to no other burdens than a fixed and very moderate quit rent; a state of things by no means undesirable in a nation, and which only needs to be corrected in its possible excess by a law of primogeniture, and by encouraging, instead of forbidding, the purchase of lands by the English. *On the desirableness of this last measure, as the most probable means of improving the country, and attaching the peasantry to our Government,—I find, in Calcutta, little difference of opinion.* All the restriction which seems necessary is, that the collectors of the Company's taxes shall not be allowed to purchase lands within the limits of their districts: and if the same law were extended to their Hindoo and Mussulman deputies, a considerable source of oppression, which now exists, would be dried up, or greatly mitigated.'

He adds afterwards—

'I have not been led to believe that our Government is generally popular, or advancing towards popularity. It is, perhaps, impossible that we should be so in any great degree; yet I really think there are some causes of discontent which it is in our own power, and which it is our duty, to remove or diminish. One of these is the distance and haughtiness with which a very large proportion of the Civil and Military Servants of the Company treat the upper and middling class of natives. Against their mixing much with us in society, there are certainly many hindrances; though even their objection to eating with us might, so far as the Mussulmans are concerned, I think, be conquered by any popular man in the upper provinces, who made the attempt in a right way But there are some of our amusements, such as private theatrical entertainments and the sports of the field, in which they would be delighted to share, and invitations to which would be regarded by them as extremely flattering, if they were not, perhaps with some reason, voted bores, and treated accordingly. The French, under Perron and Des Boignes, who in more serious matters left a very bad name behind them,

had, in this particular, a great advantage over us, and the easy and friendly intercourse in which they lived with natives of rank, is still often regretted in Agra and the Dooab. This is not all, however. The foolish pride of the English absolutely leads them to set at nought the injunctions of their own Government. The Tussildars, for instance, or principal active officers of revenue, ought, by an order of council, to have chairs always offered them in the presence of their European superiors, and the same, by the standing orders of the army, should be done to the Soubahdars. Yet there are hardly six collectors in India who observe the former etiquette; and the latter, which was fifteen years ago never omitted in the army, is now completely in disuse. At the same time, the regulations of which I speak are known to every Tussildar and Soubahdar in India, and they feel themselves aggrieved every time these civilities are neglected; men of old families are kept out of their former situation by this and other similar slights, and all the natives endeavour to indemnify themselves for these omissions on our part by many little pieces of rudeness, of which I have heard Europeans complain, as daily increasing among them.'

Of the signal success of Sir John Malcolm and Mr Elphinstone in gaining the confidence and affections of the people, and consequently improving the condition of the districts under their command, he speaks uniformly in terms of the highest praise. As to the former, we give but this little specimen :—

'The character which Malcolm has left behind him in Western and Central India, is really extraordinary. As a political agent, he had many difficulties to contend with, of which the jealousy entertained of him, as a Madras officer, by the Bengal army, was not the least. But during his stay, he seems to have conciliated all classes of Europeans in a manner which hardly any other man could have done ; while the native chiefs, whom I have seen, asked after him with an anxiety and regard which I could not think counterfeited, inasmuch as they did not pretend any thing equal to it when speaking of other great men.'

We do not apologize for making a longer extract as to the latter distinguished individual, as the passage embraces a statement of his opinion on a point of great popular and practical importance.

'His policy, so far as India is concerned, appeared to me peculiarly wise and liberal, and he is evidently attached to, and thinks well of the country and its inhabitants. His public measures, in their general tendency, evince a steady wish to improve their present condition. No government in India pays so much attention to schools and public institutions for education. In none are the taxes lighter ; and in the administration of justice to the natives in their own languages, in the establishment of punchaets, in the degree in which he employs the natives in official situations, and the countenance and familiarity which he extends to all the natives of rank who approach him, he seems to have reduced to practice, almost all the reforms which had struck me as most required

in the system of government pursued in those provinces of our Eastern Empire which I had previously visited. His popularity (though to such a feeling there may be individual exceptions) appears little less remarkable than his talents and acquirements, and I was struck by the remark I once heard, that "all other public men had their enemies and their friends, their admirers and their aspersers, but that of Mr Elphinstone, every body spoke highly." Of his munificence, for his liberality amounts to this, I had heard much, and knew some instances myself.

'With regard to the free Press, I was curious to know the motives or apprehensions which induced Mr Elphinstone to be so decidedly opposed to it in this country. In discussing the topic, he was always open and candid, acknowledged that the dangers ascribed to a free press in India had been exaggerated,—but spoke of the exceeding inconvenience, and even danger, which arose from the disunion and dissension which political discussion produced among the European officers at the different stations, the embarrassment occasioned to Government by the exposure and canvass of all their measures by the Lentuli and Gracchi of a newspaper, and his preference of decided and vigorous, to half measures, where any restrictive measures at all were necessary. I confess, that his opinion and experience are the strongest presumptions which I have yet met with in favour of the censorship.

'A charge has been brought against Mr Elphinstone by the indiscreet zeal of an amiable, but not well-judging man, the "field officer of cavalry," who published his Indian travels, that "he is devoid of religion, and blinded to all spiritual truth." I can only say, that I saw no reason to think so. On the contrary, after this character which I had read of him, I was most agreeably surprised to find that his conduct and conversation, so far as I could learn, had been always moral and decorous; that he was regular in his attendance on public worship, and not only well informed on religious topics, but well-pleased and forward to discuss them; that his views appeared to me, on all essential subjects, doctrinally correct, and his feelings serious and reverential; and that he was not only inclined to do, but actually did, more for the encouragement of Christianity, and the suppression or diminution of suttees, than any other Indian Governor has ventured on. That he may have differed in some respects from the peculiar views of the author in question, I can easily believe, though he could hardly know himself in what this difference consisted, since I am assured, that he had taken his opinion at second-hand, and not from any thing which Mr Elphinstone had either said or done. But I have been unable to refrain from giving this slight and imperfect account of the character of Mr Elphinstone as it appeared to me, since I should be sorry to have it thought that one of the ablest and most amiable men I ever met with, was either a profligate or an unbeliever.'

After he has nearly finished his deliberate and very extensive survey, he makes these striking remarks:—

'One fact, indeed, during this journey, has been impressed on my mind very forcibly, that the character and situation of the natives of these great countries are exceedingly little known, and in many instances

grossly misrepresented, not only by the English public in general, but by a great proportion of those also, who, though they have been in India, have taken their views of its population, manners, and productions from Calcutta, or at most from Bengal. I had always heard, and fully believed till I came to India, that it was a grievous crime, in the opinion of the Brahmins, to eat the flesh or shed the blood of any living creature whatever. I have now myself seen Brahmins of the highest caste cut off the heads of goats as a sacrifice to Doorga; and I know, from the testimony of Brahmins, as well as from other sources, that not only hecatombs of animals are often offered in this manner as a most meritorious act, (a Raja, about twenty-five years back, offered sixty thousand in one fortnight,) but that any person, Brahmins not excepted, eats readily of the flesh of whatever has been offered up to one of their divinities, while among almost all the other castes, mutton, pork, venison, fish, any thing but beef and fowls, are consumed as readily as in Europe. Again, I had heard all my life of the gentle and timid Hindoos, patient under injuries, servile to their superiors, &c. Now, this is doubtless, to a certain extent, true of the Bengalese, (who, by the way, are never reckoned among the nations of Hindostan, by those who speak the language of that country,) and there are a great many people in Calcutta who maintain that all the natives of India are alike. But even in Bengal, gentle as the exterior manners of the people are, there are large districts close to Calcutta, where the work of carding, burning, ravishing, murder, and robbery, goes on as systematically, and in nearly the same manner, as in the worst part of Ireland; and on entering Hindostan, properly so called, which in the estimation of the natives reaches from the Rajmahal hills to Agra, and from the mountains of Kemaoon to Bundelcund, I was struck and surprised to find a people equal in stature and strength to the average of European nations, despising rice and rice-eaters, feeding on wheat and barley bread, exhibiting in their appearance, conversation, and habits of life, a grave, proud, and, decidedly, a martial character, accustomed universally to the use of arms and athletic exercises from their cradles, and preferring, very greatly, military service to any other means of livelihood. Another instance of this want of information, which at the time of my arrival excited much talk in Bengal, was the assertion made in Parliament, I forget by whom, that "there was little or no sugar cultivated in India, and that the sugar mostly used there came from Sumatra and Java." Now this even the cockneys of Calcutta must have known to be wrong, and I can answer for myself, that in the whole range of my journey, from Dacca to Delhi, and thence through the greater part of Rajpootana and Malwah, the raising of sugar is as usual a part of husbandry, as turnips or potatoes in England; and that they prepare it in every form, except the loaf, which is usually met with in Europe.'

Of the state of the Schools, and of Education in general, he speaks rather favourably; and is very desirous that, without any direct attempt at conversion, the youth should be generally exposed to the humanizing influence of the New Testament morality, by the general introduction of that holy book, as a

lesson book in the schools; a matter to which he states positively that the natives, and even their Brahminical pastors, have no sort of objection. Talking of a female school, lately established at Calcutta, under the charge of a very pious and discreet lady, he observes, that 'Rhadacant Deb, one of the wealthiest natives in Calcutta, and regarded as the most austere and orthodox of the worshippers of the Ganges, bade, some time since, her pupils go on and prosper; and added, that "if they practised the Sermon on the Mount as well as they repeated it, he would choose all the handmaids for his daughters, and his wives, from the English school."'

He is far less satisfied with the administration of Justice, especially in the local or district courts, called *Adawlut*, which the costliness and intricacy of the proceedings, and the needless introduction of the Persian language, have made sources of great practical oppression, and objects of general execration throughout the country. At the Bombay Presidency, Mr Elphinstone has discarded the Persian, and appointed every thing to be done in the ordinary language of the place.

And here we are afraid we must take leave of this most instructive and delightful publication; which we confidently recommend to our readers, not only as more likely to amuse them than any book of travels with which we are acquainted, but as calculated to enlighten their understandings, and to touch their hearts with a purer flame than they generally catch from most professed works of philosophy or devotion. It sets before us, in every page, the most engaging example of devotion to God and good-will to man; and, touching every object with the light of a clear judgment and a pure heart, exhibits the rare spectacle of a work written by a priest upon religious creeds and establishments, without a shade of intolerance, and bringing under review the characters of a vast multitude of eminent individuals, without one trait either of sarcasm or adulation.

Of the other work, the title of which we have been led to prefix from the connexion of the subject, we have left ourselves room to say little, and, in truth, have but little to say. It is a very clever and instructive pamphlet, in support of the justice and policy of allowing an absolutely free trade to India, together with an unlimited right to settle and to hold land in that country. It is written in the tone of an advocate no doubt, with some acrimony perhaps, and perhaps with some exaggeration; but with singular spirit, clearness, and brevity; and rested throughout on such an imposing array of facts, as must be a little startling to those to whom they are opposed, and invaluable to all

who wish to form an impartial judgment on the questions to which it relates. It is on this account chiefly that we wish to recommend it to the notice of our readers. We certainly have but rarely seen a controversial tract so closely and vigorously reasoned; and do not now recollect an instance of so good and concise a digest of all the material facts that bear upon a very large and delicate discussion. In the compass of no more than seventy-two octavo pages, we have all the topics that belong to that discussion fairly stated, and all the objections and answers luminously and strongly presented, along with a most succinct and precise view of the facts, and the authorities from which they are derived. If this piece be, as is generally reported, from the hand of the author of the Account of Java, and of the Embassy to Siam, we cannot but congratulate him on his improved power of condensation. It is evidently from the hand of one who is extensively as well as minutely informed on the subject of which he treats; and, be it from whose hands it may, we cannot but think, that no man, who has ever turned his thoughts to that subject, should grudge the small labour of reading this clear and compendious statement, and no man presume to speak or to *vote* in regard to it, till he has thoroughly meditated its contents, and inquired diligently into the accuracy of its premises and conclusions. For our own parts, we profess to be ourselves in this laudable course of training and preparation; and without venturing, as yet, to give a decisive opinion on the soundness or safety of all this author's reasonings and suggestions, propose only to make such a slight analysis of the course he pursues in them, and to give such little specimens of the force with which he moves in it, as may induce our readers to follow our example, in acknowledging him as an associate in their inquiries, and a contributor to their materials for thinking.

The great scope of the work is, in the first place, to show, from the signal and undeniable success of the experiment already made of a partial opening of the trade to India, that no doubt can now be entertained of the policy of opening it altogether; and, in the second place, to make out the perfect safety and great advantages of allowing Englishmen to settle and hold lands in that country, 1st, By direct arguments and statements to that effect; 2dly, By showing how lamentably the judgment of those, who have advocated the opposite doctrines, has been disabled, by the notable contradiction which fact and experience have given to their equally confident predictions as to the disasters which would follow from any relaxation of the monopoly; 3dly, By facts, proving the safety and advantages of the measures suggested, on the past history and present condition of this very

people; and, 4thly, By facts of an analogous nature in the history of other nations, who have been placed in nearly similar circumstances.

Under the first head, the author has made a very striking and triumphant exposition of the prodigious increase of the trade since its partial opening in 1815, and proved, at the same time, that this cannot be ascribed either to any accidental change of circumstances, or even to any increase of activity or improvement of policy in the Company; as it happens, that the increase is confined to those articles only which have been taken up by the free traders, while such as have remained in the hands of the Company have either continued stationary, or, in spite of the new excitement, have actually declined and gone back. In 1814, the last year of the absolute monopoly, the whole Exports to India and China amounted to about two millions and a half. In 1826, they had risen to very near five millions; the increase being confined to India, as the monopoly is still maintained as to China. The total imports in 1814 were little more than six millions; in 1826, they were better than eight; the smallness of the proportionate increase being clearly explained by the continuance of the monopoly as to Tea, at all times by far the most considerable article of import. The author, indeed, has shown, by a detailed statement, that while the actual quantity of tea imported had not increased, in twenty years, by so much as 12 per cent, the supply, with a view to the increased population of Great Britain and Ireland, had in reality *decreased* in a proportion of not less than 30 per cent! while the consumption of Eastern coffee had more than doubled since the introduction of the free trade. In Cotton goods the progress has been still more remarkable. In 1814, the quantity exported was 818,206 yards; in 1826, it was no less than 26,225,103, and steadily progressive. The whole Indigo trade and manufacture, producing an export of nearly two millions per annum, is *a creation* of the free system. It is almost the only branch of industry which Englishmen have been allowed to practise in India; and the consequence has been, that, by the signal improvements in the manufacture introduced by their skill, capital, and energy, the commodity has been so much improved, as to have driven the American article nearly from the market, and to have extended our trade and connexions, upon the safest of all bases, to the amount that has now been mentioned. In all the other manufactures of Indian produce, to which Englishmen have been allowed to apply themselves, the consequences have been equally remarkable; and the author specifies in detail those of tin ore, antimony, gum lac, and safflower. But the most remarkable case, as he gives it, is

undoubtedly that of the far more important article of Opium. *The trade* in this article was opened in 1815; but the Company, as sovereigns of the only accessible countries where it then grew, maintained their monopoly, by taking the culture entirely into their own hands, and strictly prohibiting it everywhere but at their own establishments; and the consequence was, that they continued to sell an inferior article at a high price, and to a limited extent,—the chief consumers being in China, and the Indian islands. They are actually said to have paid the cultivators no more than L.14, for what they sold in the market for from L.200 to L.400. The first invasion of their privilege was by the Americans, who speedily undersold them in *Turkey* opium in those very markets; and the remedy or revenge was, to impose a prohibitory duty on the free article, within all the range of their own territory,—thus establishing a virtual monopoly, *in favour of the Americans*, against their own subjects! But the great disaster was the discovery, that opium was manufactured by the native cultivators in the newly conquered provinces of Malwah, and the other Mahratta districts; and that, as soon as the intercourse was opened, the free traders offered L.60 and L.70 for what the Company bought at home for L.14 or L.15, and yet undersold them in all the great markets of the East. To have interdicted the established industry of the native proprietors, in this its most beneficial application, was more than could be ventured on in a newly ceded territory; and the Company was induced, therefore, to meet this formidable competition, first, by giving still higher prices, and so driving their rivals from the market,—in which hopeful attempt, the author before us avers, that they actually expended near L.700,000, in the year 1823; and then by actually negotiating with the native princes, for the discouragement of the growth of opium in their dominions. The great additional profits, however, that accrued to the cultivators from the competition, effectually frustrated both attempts; and the quantity of Malwah opium increased *sevenfold* in the course of *five* years; while its quality was so much improved by the same powerful causes, that whereas it used to sell at a discount of 25 per cent below that of Bengal, it is now at a premium of 14 per cent. To crown this view of the contrasted effects of monopoly and even partial freedom, the author adds, that while the Company, in the days of their unrestricted privilege, had not been able at all to extend the sale of their opium in a period of thirty years, it has been raised, in the five years since the Malwah competition, from about two thousand five hundred chests annually, to upwards of ten thousand;—the price formerly obtained for the smaller quantity being only about two millions and a half of dol-

lars, with all the enhancement of the monopoly, and that now given for the larger quantity about eight millions. If Englishmen were at liberty to settle at pleasure in the country, and to invest their capital, and apply their skill and industry to this important branch of cultivation, the author contends, upon grounds that do appear irresistible, that the quality of opium would be as signally improved, and its sale in the general market as widely extended, as in the analogous case of indigo already mentioned.

He applies the same reasoning to the two other great staples of Cotton and Sugar. The inferiority of both these articles in India, where, from the restrictions on the settlement and occupancy of the ground, they are still entirely in the hands of the poor, unscientific, and slovenly natives, to the same articles, when reared even in less propitious climates, under the benignant influence of European wealth, skill, and energy, he ascribes, with much apparent reason, to the effect of these restrictions; and shows, by a variety of examples, that the produce has, even in these Eastern regions, been prodigiously improved and enlarged wherever those restraints have been relaxed. In the article of sugar, for example, he states, that though the quantity imported from the East has been considerably increased since 1814, still a much larger part of this increase has come from the small and comparatively barren island of Mauritius, where Englishmen *are* at liberty to settle, than from the whole vast regions of British India, in which they have no such liberty. Previous to this period, and down indeed to 1820, the cultivation of sugar at the Mauritius was exceedingly trifling. But it has since increased tenfold; and, from being of a very inferior quality, has now become superior to the best Bengal, by between five and six per cent—an event which seems pretty well explained by the fact, that, within the last eight years, no fewer than twenty sugar-mills, most of them with steam-engines attached to them, have been forwarded from England to that remote island, while not one single engine of the kind has been introduced into the protected territory of the East India Company, where the manufacture is still conducted in the most unskilful, wasteful, and imperfect manner. The case is the same, it is alleged, as to cotton. The very finest qualities might be raised, in unlimited abundance, on the infinite variety of soils and exposures which our Eastern Empire affords: but the culture being left entirely in the hands of the ignorant and slovenly natives, and conducted without capital, science, or machinery, the consequence is, that it is miserably inferior to all that is raised elsewhere under European superintendence—being less valuable in the markets by fifty per cent, than that from the

Spanish Main—by at least 100 per cent, than that from Pernambuco—and by a still greater amount than that from Manilla and the sea islands. As the culture of sugar and cotton is not absolutely monopolised, like that of opium in Bengal, and cinnamon in Ceylon, by the Company,

'Why, it may be asked, do not British-born subjects engage in the culture of cotton in the same manner in which they engage in the culture and manufacture of indigo? The answer is easy. The quantity of British capital which is allowed, under existing regulations, to benefit the agriculture of India, is comparatively trifling; and it is more advantageously employed in producing indigo than in improving cotton. A few hundred acres of land are sufficient to invest a large capital in indigo, and a very small number of Europeans is sufficient for superintendence. Thousands of acres would not be sufficient for the same investment of cotton. From the small number of Europeans, there could be no adequate superintendence over so wide an extent of country; and there could be no security against depredation, in a commodity far more liable to it than the other. Moreover, to improve the cotton of India, the present annual and coarse varieties must be supplanted by perennial and finer ones—a circumstance which would occasion a complete revolution in this branch of husbandry, a revolution which could only be effected by European proprietors or their tenants: besides all this, the introduction of expensive machinery, both for cleaning and packing, would be necessary. What European in his senses, holding land at high rent from a native proprietor, from year to year, in a country where no civil suit is brought to trial under three years from its institution, and often not under seven, and where, by law, he may be removed from his property for ever, with or without offence, would enter upon so precarious a speculation?'

And in answer to the same question as to sugar, he makes nearly the same reply.

'The culture of the indigo plant is simple, and the returns rapid; that of the sugar-cane complex and tedious. An indigo crop is reaped in three months from the time of sowing; a crop of sugar-cane takes four times as long to come to maturity. A crop of sugar-cane is liable to depredation in an open, unfenced, and unprotected country; one of indigo to hardly any at all. Indigo works, capable of producing yearly L.10,000 worth of the dye, may be constructed for about the sum of L.700; sugar works, capable of yielding a produce of equal value, would require an investment of capital to the amount of L.24,000. Who would invest such a capital in a country where he can neither buy nor sell land, nor receive security upon it; where the judge and the magistrate are hostile, because labouring under the usual prejudice and delusion of their caste; and where the administration of justice is in such a state, that an appeal to it is nearly hopeless?'

It is chiefly for these objects—the extension of the trade, and the investment of the capital of English subjects, in the first instance—and for the gradual improvement of the industry, know-

ledge, and moral and social energies of the natives, in the second—that the author before us urges so warmly the propriety of allowing the free settlement of our countrymen in the Asiatic part of our empire. Though the word Colonisation stands on his title-page, it is but fair to say, that it is not for colonisation, in its usual or popular sense, that he is here contending. He knows very well that, in a country already full of people, colonisation in that sense is impossible. He does not mean that the present population of India shall be supplanted by English emigration, or even that the blanks in it shall be filled up by such a proceeding. The distance and expense of such a transportation would be enough to render such a project chimerical; even if we had people enough willing to realise it, and if it were not true, as Adam Smith long ago remarked, that, of all kinds of luggage that could be suggested, human beings were the most immovable. That this is not his meaning, however, will best appear from his own words.

'The *colonisation* of India, as may be seen from this statement, is impracticable; but, although there may be no room for colonisation, there is ample room for settlement, in a country of fertile soil, far more thinly peopled, after all, than any part of Europe, and a country without capital, knowledge, morals, or enterprise. Mere labourers of course there is, generally speaking, no room for; but there is ample room for skilful mechanics, for agricultural, for commercial, and even for manufacturing capitalists. The free settlement of all these classes, under equal and suitable laws, will prove the only means of civilizing and humanizing the inhabitants of India. Our countrymen, living amongst them, will instruct them in arts, in science, and in morals; the wealth and resources of the country will be improved; the Hindus will rise in the scale of civilization, for they have sufficiently evinced that they possess both the capacity and inclination to do so. We leave it to the abettors of restriction to point out what evils are to spring from such changes!'

The following brief summary of the usual objections to the free settlement of Europeans, will show how well the author is acquainted with the whole battle of his opponents, and how fairly and fearlessly he has surveyed it. These reasons, he says, are,

'1. The Hindus are a peculiar and timid race; and if Europeans were permitted to hold lands, they would soon dispossess the native inhabitants.

'2. If Europeans were permitted to settle, their offences against native usages and institutions would disgust the inhabitants of the country, who would rebel, and expel us from India.

'3. If Europeans were to settle in India they would soon colonise the country, and Great Britain would lose her Indian possessions, in the exact same manner in which she lost her American colonies.

'4. If we civilize the Hindus, or, in other words, if we govern them

well, they will become enlightened, rebel against us, expel us from the country, and establish a Native Government.'

In answer to the *first* objection, he refers to the fact, tha after seven centuries of a far less temperate or indulgent domination, the Mahomedan rulers of India left the natives in possession of by far the largest and most valuable portion of the land. This, the author justly remarks, is rather a strong case; and asks, with something of an allowable air of triumph, whether it is to be imagined that one of the most civilized and humane of European nations—the native land of the apprehensive philanthropists he is answering—should act a worse or a weaker part, in this civilized age, than the semi-barbarians of Persia and Tartary, in a period of darkness and ferocity? But he has facts bearing still more directly upon the question, to which we do not immediately see an answer. Englishmen *are* entitled to hold lands in the towns of Calcutta, Madras, and Bombay, and in Prince of Wales's Island, in Singapore, and Malacca; and as these are the only spots in all our vast domains where their capital can now be invested in the soil, it is natural to think, that if their eagerness to make such investments, and to dispossess the natives, were at all as it has been represented, the effects of its concentrated operation could not fail to be very conspicuous in these particular situations. What, however, is at this moment the state of the fact? The Indians, our author assures us, are the holders of *all* the buildings occupied by natives in Calcutta—of all the *markets*—and of the great majority of houses occupied by Europeans. This is the case still more remarkably at Madras: at Bombay, the greater portion of the island belongs to the Persees—and at the other settlements, the Chinese and Malabars share at least equally with Europeans in the property of the soil.

The second objection is that, we think, to which most weight has been attached, both by ancient residents in India, and by men of candour at home; and we are not quite sure, that our author has entirely dispelled our own apprehensions on the subject of it. But he has fought a stout battle with them; and it would be mere affectation to say, that he has not made an impression. It is but fair, therefore, that our readers should have a glimpse of his argument. The objection is, that if illiterate, uncontrolled individuals were to be allowed to settle among a people so sensitive and excitable as to their religious prejudices as the Hindus, they would give such offence and disgust as to lead, in all probability, to a general rebellion, which, with their vast numerical superiority, could only end in the total subversion of our rule. To this the author answers, that even admit-

ting the likelihood of some multiplication of such offences by detached individuals, nothing can be so chimerical as the apprehension of their leading to such consequences. The Hindus, he assures us, are not a ferocious or resentful, but, generally speaking, a timid and submissive race; and, where they saw no reason to suppose that the Government abetted the authors of such outrages, would appeal to that Government for redress, and be satisfied with the punishment which would be inflicted. But his great argument is, that no such outrages are likely to be committed by the settlers he would encourage.

'Who, it may be asked, are most likely to offend the prejudices of the natives of India? The flights of raw aspirants for place and power poured annually by the East India Company into India; persons invested with the name or authority of Government; or merchants and traders, who have no connexion whatever with it, and whose success, safety, and comfort, depend upon prudence, forbearance, and conciliation? We pronounce, from long experience, that for one trader that violates the prejudices or usages of the natives, there will be found twenty civil and military *employés* who will do so; but by whatever party such offences are given, they are but trivial, and of very little moment. As the number of settlers and colonists increase, the number of such offences must diminish, because information on both sides will have improved. After the first few months—even in the most desperate cases, after the first few years—no European offends native prejudices, nor do the natives offend his: a very limited period indeed is sufficient to reconcile them to each other. If this be the case with the original settlers, where is to be the danger from their posterity, born and bred in the country?

'Those portions of our dominions in India in which the greatest number of European settlers exist, are invariably found to be the most orderly, tranquil, wealthy, and prosperous. Those in which they are carefully excluded are not only the poorest, but the most subject to insurrection. The acts of the Government and their Servants have occasioned a good many tumults, a good many insurrections, and a good many military mutinies; but the advocates of restriction have never ventured to assert that a merchant or trader has been implicated in any act of public disorder. The mutiny and massacre at Vellore were produced by the impertinent and ill-judged interference of the public officers of government, with the dress and pay of the troops. The tumult at Benares was produced by an attempt to impose an unpopular tax. The more serious insurrection in Rohilcund was produced by the same cause. The mutiny of the native troops at Barackpore, and the massacre which followed it, were notoriously occasioned by the Government or its officers refusing to listen to some palpable, and afterwards acknowledged and redressed, grievances. No private individual, black or white, had any share in the transaction. The general rising of the province of Cuttack, which took the Calcutta authorities by surprise, was produced by the misconduct of a public officer. There was not a merchant or trader in this extensive, but poor province, at whose door the blame might be laid. One

example, on the great scale, may be added. The arbitrary and unjust conduct of Warren Hastings, and the violence which he offered to native prejudices, threw the great and populous province of Benares into a state of insurrection, which nothing could quell but a large army. This was the much-admired governor of the East India Company; a man of undoubted talent, versed in the languages, manners, and institutions of the natives of India, and who was brought up in 1813, before the House of Commons, to give evidence touching the impossibility of extending the commercial intercourse of Great Britain with India, the danger of violating native usages, the excellence of the existing order of things, and other matters equally true and edifying. Now, had the said Warren Hastings been a merchant, or an indigo planter, in all human probability he would not have touched a hair of the Rajah Cheti Singh's head; certainly he would not have wantonly arrested his person, and, by this flagrant insult to the prejudices of his subjects, brought on a formidable insurrection. To be guilty of such indiscretion, it was necessary to be duly clothed with authority!

'In the discussions of 1813, the East India Company was not satisfied with a mere denunciation of the general principle of the free settlement of Englishmen in India: they declared, that the bare circumstance of a partial opening of the trade, would produce such an inundation of true-born Englishmen as would sap the foundation, and, finally, overthrow the whole fabric of our Indian empire. The experience of the last thirteen years has not verified this ominous prognostication. The whole number of European settlers in Bengal, unconnected with the public service, is about two thousand seven hundred; and this, let it be observed, includes foreigners as well as British-born subjects: in 1813, it was one thousand six hundred. At the other Presidencies, the whole accession certainly has not amounted to two hundred persons. The inundation, therefore, which was immediately to sap the foundations, and then to overthrow the vast fabric of our empire, has amounted in thirteen years only to about one thousand three hundred persons, all employed in the peaceable pursuits of industry, without an hour's leisure for politics or squabbling!'

These, no doubt, are weighty considerations. Looking only to the moral probabilities of the case, it is impossible to deny that offences of the kind referred to, are much more likely to be committed by a foolish ensign or ill-conditioned cornet, who has nothing to do with the natives but to command or to laugh at them, than by a speculator in cotton or sugar plantations, who must be aware that he cannot get on without their assistance. But it ought not, on the other hand, to be forgotten, that the military standard-bearers, however petulant and thoughtless they may be in their proper persons, are not only invested with authority, but subject to it; and act at all times under the control of a rigid military discipline, by which they are perpetually aware that their misconduct would be instantly detected, and most summarily chastised. This, too, is known as universally

to the natives; who will both bear more from persons clothed with public authority, and rely more surely on getting redress for any outrages of which they may be guilty. Another very important element in the question, is the superior education of the official servants of the Company, and their consolidation, as it were, into one great associated body, which impresses its own character in a great degree upon the lowest and least experienced of its members—one most decided feature in their *esprit du corps* being a spirit of conciliation and deference to the religious prejudices of the natives. In all these respects, the situation of insulated mercantile adventurers would evidently be far less advantageous; while the nature of their relations with the natives must, on many occasions, be more likely to lead to heart-burnings and contentions. We will confess, however, that unless *the actual number* of such adventurers should suddenly become much greater than we think at all likely, we should not apprehend any great danger from their introduction; while, in all other respects, their gradual and quiet admixture with the people, and their habitual association with them in the pursuits of improved industry and independent intercourse, promise to effect, more rapidly than any thing else, that general amelioration in their morals, intellect, and worldly condition, which it is equally the duty and the interest of their European rulers to promote.

As to the other objections, of our Indian colonists throwing off their subjection to the mother country, or of the Hindus becoming, by our too liberal treatment of them, too wealthy and knowing to submit to a foreign yoke, they both evidently point to futurities so remote as scarcely to require consideration; and are judiciously disposed of by our author upon this principle, with a firm and manly annunciation of the undoubted truth, that whenever either of those events becomes possible, it will be just and reasonable that it should occur! The following statements will be new, we believe, to most of our readers, and are every way worthy of their attention.

'Among the dangers which have been conjured up to alarm us for the stability of our Indian dominions, is the increase of the mixed race. A very few words will suffice for the refutation of this allegation. The greater number of the half-castes, or, as they have been recently called, Eurasians, are to be found in the Bengal provinces. Now the number of grown males of this description here, is just 215, and even among these there are included several of the most respectable of the class called Portuguese native Christians. The genuine half-castes throughout India, men, women, and children, we are convinced, will be overrated at one thousand. This is the formidable body that is to wrest the dominion of eighty-three millions of people from us.

'So much for the genuine half-castes, or immediate descendants of an European parent with a native one. In Calcutta, the whole descendants of Europeans of every nation, including the nearest and remotest degrees, do not exceed five thousand persons. For all British India, they would certainly be overrated at three times this number: the natives converted to Christianity are numerous in the southern parts of the peninsula, but are docile even beyond the Hindus themselves.

'However little danger, present or future, we have to apprehend from the Eurasians, it is our duty to treat them with fairness and justice. At present they are rigidly excluded from all offices *of trust*, civil or military. From civil offices, indeed, their exclusion is complete; and their highest promotion in the military service is the dignity of a serjeant or drum-major. Their exclusion from trust, in the country of their birth, is unjust, ungenerous, and impolitic. They cannot, indeed, overthrow our dominion, however we may maltreat them; but the presence of a mass of discontented persons, as they must necessarily be, cannot but contribute more or less to its insecurity.

'The natives converted to Christianity are still more harshly treated than the immediate descendants of Europeans. Under a Christian Government, they are seldom or never employed in any part of India; and under the Madras Government, are expressly excluded "by law" from such humble employments as *other natives* are eligible to hold!'

Upon the progress which has been recently made in the amalgamation of the two races, and the improvements which have in consequence resulted to the least instructed, the following testimony, confirmed as it is in every part by that of Bishop Heber, appears to us of great value.

'The great majority of British sojourners in India are in the Bengal provinces, and a vast majority of these within the comparatively narrow limits of the town of Calcutta: the whole number of such sojourners does not exceed three thousand persons, of which we compute that about two-thirds are the inhabitants of Calcutta; the remaining third, dispersed and powerless, is scattered over the nearly 600,000 square miles beyond its limits. It is, therefore, in the European towns alone, and especially in Calcutta, that there exists any thing like an opportunity for change and improvement; and, considering the smallness of the means, change and improvement have, since the era of the free trade, the short compass of thirteen years, been great and remarkable.

'A few striking examples may be given. The native inhabitants of Calcutta having been last year admitted to sit as petty jurymen in criminal cases, an official list of qualified persons was duly published: the qualification, in respect to education, was such a knowledge of the English language as should enable the party to follow the judge in his charge; and in point of property, an estate of the value of L.500 sterling, or payment of a house rent at L.5 per annum. Persons possessing estates of the value of L.20,000, were exempted from serving on common juries. The lists, admitted to be imperfect, showed eighty-four qualified Indians, of whom no less than fifty-seven were men possessing estates of L.20,000 or upwards.

'From this statement several most interesting and important deductions may be drawn. Not many years ago even a miserable smattering of the English language was confined to a few profligate persons, whose interests brought them into immediate connexion with Europeans for no good purposes. We have here persons representing property worth, at the lowest estimate, L.1,140,000, possessing not only a knowledge of the English language, but sufficient European education to enable them to comprehend the charge of a British judge to a jury. Of the whole number of persons competent to serve on juries, more than sixty-seven in a hundred are of this wealthy class; showing pretty clearly that it is the higher, and not the lower, or even middling orders, that are most disposed to receive European education. In the list of native jurors there is not to be found a single Mahomedan name, either of Hindustan, Persia, or Arabia; the whole is composed of the alleged *unchangeable* Hindus. Further, the great majority of these wealthy persons are brahmins, and all of them men of high caste.

'As to disinclination to European learning, this is wholly out of the question. On the contrary, both the interests and the practical good sense of the natives lead them to give it a decided preference, notwithstanding some foolish attempts made to restrain them, by diverting their principal attention to the barren field of their own language, literature, and philosophy! Even the Hindu religion seems to be giving way before the light of reason; and it is well it should; for, independent of its spiritual consequences, the influence which this degrading superstition exercises over civil society, is pernicious and demoralizing, far beyond that of any other known form of worship.'

We shall close our extracts, and conclude this rambling article, with the following just and liberal observation.

'We repeat, that the only suitable and efficient means of improving our conquered subjects—the only means by which one people ever conferred lasting and solid improvement upon another—is a free and unshackled intercourse between the two parties. Will the stability of our dominion be impaired by the improvement of the Hindus? Poor and ignorant nations are always most liable to delusion, and most subject to insurrection; wealthy and intelligent ones the least so. In proportion, therefore, as the Hindus become instructed, and are rescued from their present poverty, they will only be the more easy of management. This easy management of course supposes the introduction of laws and institutions suitable to, and keeping pace with, their advancement in civilisation. They cannot always be governed as mere helots; nor would a nation of helots be worth the governing. They must be gradually, and as they improve, admitted to a share in their own administration. If this principle be prudently and liberally acted upon, we may maintain our Indian dominions for many centuries.'

Art. III.—1. *Gaii Institutionum Commentarii* 4. *e codice rescripto bibliothecæ capitularis Veronensis, a Frid. Bluhmio iterum collato secundum edit. Jo. Frid. Lud. Goeschen. accedit Fragmentum veteris Jurisconsulti de Jure Fisci, ex aliis ejusdem bibliothecæ membranis transcriptum.* 8vo. Berolini, 1824.

2. *Institutes de Gaius récemment découvertes dans un Palimpseste de la Bibliothèque du Chapitre de Verone ; et traduites pour la première fois en Français. Par J. B. E. Boulet, avocat à la cour Royale de Paris ; avec des Notes.* 8vo. Paris, 1827.

3. *Jurisconsulti Ante-Justinianei reliquiæ ineditæ, ex codice rescripto bibliothecæ Pontificiæ Vaticanæ, curante Angelo Maio, Biblioth. ejusd. Præf.* 8vo. Romæ, 1823.

The excellence, in every kind of composition, of the Greek and Roman writers during their best ages, and especially of the Greek, is so universally admitted, that it would be quite intolerable to enlarge on it: But the accidents by which our knowledge of them has been restrained or extended, may be allowed to form a subject less trite and familiar. Of some of these renowned authors, the principal works have been handed down to us in an imperfect state; of some, large and valuable portions have escaped destruction, whilst portions equally large and valuable have been lost; of others, a few precious fragments alone remain; minute specimens of the splendid materials and noble workmanship—insignificant scraps and fallen crumbs, that serve, however, to attest the magnificence of the banquet, from which unhappily we are debarred. Of others, and of some of the most distinguished, the entire works have wholly and utterly perished! and we are able to estimate our loss only by the praises which have been lavished on them by critics, who enjoyed the happiness which fortune has withheld from us. It is idle to mourn over the fatal shipwreck which has buried so many treasures. But it may yet be worth while to consider what hopes may be cherished of their recovery; and to ascertain whether any part of the vessel, or of her precious cargo, may be still in existence, although sunk in the depths of the sea, or buried beneath the overwhelming sands; and whether it be possible, by industry or artifice, by the accustomed methods or by new contrivances, to extricate from apparent destruction, and to restore to light, the hidden treasure, whereof the situation and position may have been thus discovered.

The sources from which the lost works of the classical authors

may possibly be recovered, are Four in number; and it will be most satisfactory and convenient to examine each in its order. The *First*, and most obvious source, is unpublished manuscripts of the ordinary kind. It is easy to imagine, at least, that many works which we now lament as lost, may yet be found by men of good fortune and great diligence, who shall examine the contents of the various well-stored libraries in existence with more care than their predecessors, or who shall explore obscure collections which have not hitherto been deemed worthy of the attention of the learned; that an *editio princeps*, presenting a faithful transcript of the manuscript, will thus be bestowed on the public, and that be followed in due course by other editions, adorned with the ordinary apparatus of notes, prefaces, emendations, and illustrations, tending to bring the text into the light, or to throw it into deep shadow, according as the editors shall prefer the style of Claude or of Rembrandt.

To fancy that fortune will be thus prodigal of her favours, is no doubt sufficiently easy; but what reason have we to believe that the bright vision will ever be realized? It is true, on the one hand, that the remains of antiquity that still exist, were printed from manuscripts thus sought for and discovered; some of them, and of the most important, from one manuscript only, and this not seldom discovered in an extraordinary manner, or preserved from destruction almost by a miracle. On the other hand, it cannot be denied, and we are bound to acknowledge it with gratitude, that the zeal of those meritorious persons, who exerted themselves at the revival of letters, to obtain copies of the Classics, was so great; they ransacked libraries with such unwearied industry; employed so many active assistants; offered such liberal rewards, and paid such large prices, many of them being men of great wealth and influence, that it is difficult to conceive that many manuscripts of importance would escape their eager pursuit. The opinion that their investigations reached to the most remote regions, and that they searched wherever there was a chance of success, is greatly confirmed by the fact, that more recent attempts in places which seemed very likely to have escaped their scrutiny, have commonly ended in disappointment, and in the conviction, that the agents of those great benefactors of their species had formerly been busy there. It is but too evident, therefore, that we must not hope for great accessions from this obvious source. There are, however, some circumstances that induce us to believe, that several works of small magnitude may have been overlooked, and may still be unpublished; these are, chiefly, the mode in which manuscripts were frequently written, and in which they were bound. The

most heterogeneous works have often been copied into the same volume, either because the space that remained corresponded with the length of the piece that was to be added, or because an opportunity offered of taking a copy, when no other materials for writing were at hand. That such motives frequently operated is most certain; for there are many instances of strange bed-fellows being thus brought together; nor is it unusual for the latter work to be written in another and more modern hand. The library of the lawyer might come into the possession of a physician, who would inscribe on some of the blank pages, that had been designed for additions to the institutions of Civil Law, a choice treatise of Galen; and in the next century the mixed volume might become the property of a general reader, who valued it principally, because it had afforded him a place to insert some favourite little poem. Manuscripts on distinct subjects have usually been bound together with even less discrimination than has been shown in copying them. Through the indolence of librarians, and the ignorance of binders, authors treating of matters in their natures various, or repugnant, have been brought into close contact, because they were of the same size, and were enough to make a volume of the thickness required; in the same manner nearly as auctioneers form lots of very incongruous articles, or as pamphlets are sometimes bound up in order to preserve them, political, medical, and theological, the name of the thickest being alone inserted in the catalogue, and impressed on the back of the volume.

It is highly probable, therefore, that short works may have escaped the vigilance of very sedulous inquirers. An editor, who collates manuscripts, that he may have as pure a text, or as many various readings, as possible, for the most part attends only to the work upon which he is engaged; and is as little likely to be diverted from it, by prying into the other contents of the volume, as a surgeon, who starts a case of aneurism in such a miscellany, would be to diverge to either of the learned and angry sermons between which it might happen to be placed. The visitor who enters a library, for the express purpose of ascertaining exactly what it contains, will alone, by turning over each manuscript, page by page, detect the hollow professions of catalogues. Manuscripts have sometimes also been brought to public libraries, and afterwards forgotten, because the zeal through which they had been procured, had unfortunately cooled; we are aware, moreover, that several works of inferior importance, which are known to be in existence, have never been printed. Even of the first masters, it is at least possible, that a few works of small magnitude, a drama, an oration, a short treatise, have been shut

up, and still repose, in some bulky volume, an accident that occasionally befalls papers of less value. Nay, it is possible, that some production of the best ages, of considerable size, and of the highest merit, may have been hidden in strange concealment, and may thus have escaped a search, which we are compelled to believe was nearly universal.

We have stated fairly, and perhaps somewhat favourably, our hopes of farther acquisitions from the *first* source. The *second* is so very extraordinary, has excited so much interest, and occasioned such magnificent expectations, that it will be proper to enter a little more at large into the subject; we allude to the discovery of the celebrated Papyri at Herculaneum. We will consider, first, the value of the works that have already been discovered; and, secondly, the probability of finding others. To judge of the actual amount of the benefit that has already been received, and to see how very far it has fallen short of the splendid anticipations that were entertained by sanguine archæologists, as well as to estimate the advantages that may be expected from unrolling the remainder of the manuscripts that have been disinterred, it will be convenient to sum up the contents of those that have been made public. The catalogue is not new; but since it must be collected from several works, it is not sufficiently fresh in the recollection of readers in general, to enable them to form a clear idea of the total amount. The first book that appeared was entitled, '*Philodemus de Musicâ*:' it was published at Naples in the year 1793, with ample prefaces and copious notes by the '*Academici Herculanenses*,' which illustrate the subject; and although they have the ordinary fault of commentaries, being too abundant and too long, they do not treat of the text alone, or consist merely of that verbal trifling, in which German annotators are apt to waste their ink and oil. The note of an Italian critic is always explanatory of something, although that something is often insignificant; the note of a German is too often about nothing, and that nothing is announced with infinite pomp. Philodemus was a contemporary of Cicero, who speaks favourably of his talents and dispositions, but asserts that he was corrupted by his pupil Piso.—Some of his epigrams are still extant in the Greek Anthology. The work on Music is a fragment, commencing abruptly thus, 'μέθη καὶ πλησμονῇ τὰς μυσικὰς τε'—and ending 'Φιλοδήμυ περὶ μυσικῆς Δ.' It seems, therefore, that it is the latter part of the treatise only; the last of four books. It consists of twenty-eight columns, and a fac-simile of each is given in copperplate; but the text is printed also on the opposite page in ordinary Greek characters, the *lacunæ* being filled up in red letters, and a Latin translation is annexed. It is written in neat little capi-

tals; and indeed the Herculanean manuscripts are useful in ascertaining the forms of letters with absolute certainty, as there can be no doubt of the antiquity of all that occur in them. He discourses of music φιλοσόφως, not τεχνικῶς,—as, whether it deserves praise or blame, whether it ought to be discouraged, and altogether rejected, or adopted and cultivated?—which, we are told, was a great question in the ancient world. Some say that Epicurus disapproved of this science; Philodemus was an Epicurean, and he certainly disputes against it warmly. It appears from column 9, that he argues against some Stoic; and, like all other disputants, he is very unfair. As wonderful perils and hair-breadth escapes raise the most insignificant individuals into notice, so the most unimportant matter, if it has thus been marvellously snatched from the fires of a volcano, acquires a degree of attraction. A short sample of the manner of this Philodemus, translated, as far as the slang of any sect is capable of translation, may therefore be interesting. The Epicurean writes thus—

'Archestratus and his followers, who assert that philosophy is allied to music, meaning thereby, I presume, such things as the nature of the voice, of sound, and of intervals, and other similar matters, are not to be endured; not only because they intruded upon speculations that were altogether foreign to the purpose, and introduced them, as it respects themselves, most childishly, and as it respects the science, most irregularly, but because they affirmed that music alone speculated of these matters. What Diogenes says (we are acquainted with all that was written by Heraclides concerning becoming and unbecoming melody, and manly and effeminate manners, and acts suitable and unsuitable to different persons) that music is not far removed from perfect philosophy, in as much as, because it is most useful and most conducive to all the duties of life, and, by the very labour of learning it, it disposes men favourably for the acquisition of many, or rather of all, the virtues; we have expounded this in the third book of our Commentaries, and others also of their assertions of the like nature, and we have shown how full of absurd folly they are. Truly ridiculous indeed must be the opinion which some men entertain of justice, for it is not conceivable that sounds, which excite only an irrational sense, the hearing, can in any way conduce to dispose the mind to speculate concerning the profitable and the unprofitable in our common civil polity, and to induce it to adopt the one and to reject the other, according to those speculations, whereof we are used to treat. But with them arguments have all the force of demonstrations. For if indeed Plato had said, that music was conducive to justice, we should perhaps have had a proof of it from him; but he says, on the contrary, that justice is analogous to music, not that a musician is a just man; in like manner, also, he never said that a just man was a musician, or that either of them co-operated with the other towards the attainment of their respective excellences: might he not have said, that to a shoe-

maker, and to a painter, and to a man skilful in any art whatever, justice was equally analogous?'

The reasoning of this polemic, it will be seen, is not very exquisite. But yet, how fresh is his indignation, how delightfully unimpaired his acerbity! The Utilitarian acidity is indeed surprisingly sharp, for a writer, who had been buried by one miracle, and, after lying two thousand years many fathoms under ground, was disinterred by another, completely charred, carbonated, and reduced literally to cinders,—and whose manuscript was unrolled by a seventieth generation, with a dexterity, patience, and art, that are truly wonderful, and the letters that expressed his ire made out, one by one, as they were seen black and shining on the black but unshining paper; the pages appearing as a letter sometimes appears to us after we have burnt it, the traces of writing being still visible on the black film, whilst it flickers about in the smoke at the back of the grate, before it takes its final flight up the chimney! This work of Philodemus is not a treatise on the science of music, as some writers seem to suppose, and which might be useful in explaining the ancient system more fully than the authors whose works are still extant, and perhaps therefore in improving the modern practice; but it is a disputation, as has been already observed, whether music be a good? Now, the consent of ages having decided the question, and determined, that music, like many other things, is good for those who are pleased with it, we must be allowed to think that such a controversy is perhaps the least valuable of the productions of the pen.

There was a long interval between the publication of the Treatise on Music and the subsequent fragments. The troubles which interrupted the ancient course of government at Naples, interrupted also the unrolling of the Papyri; and lest they should be unfolded at Paris by French hands, they were removed to Sicily. When they were brought back again, many were partially unrolled; they were entitled on rhetoric, on poetry, on virtues and vices, and so forth, and were the compositions of the same Philodemus, and digested apparently on the same meagre plan: And, as there was nothing very inviting in the old question, whether these several things were good or bad, the tedious process was not completed, and we must remain ignorant, for some time at least, of the language in which he inflicted castigation on the Stoics for presuming to differ from his pugnacious Epicureanism. A volume inscribed Επικȣρȣ περὶ φύσεως IA. at last presented itself; and five other books of the same work were afterwards found. Books B and IA were printed; but unluckily book the 2d of 'Epicurus 'de Naturâ' has only eleven very short and very imperfect pa-

ges or columns, and of the 11th book there are only thirteen smaller columns, containing nothing that, either for rhetoric or doctrine, was worth the deciphering. They long sought anxiously for Latin works, and at last they found some; but there had been so much glue in the composition of the paper, that most unhappily they were unable to open them, except a part of one roll, which contains a poem, in hexameter verses, treating of the affairs of Cæsar in Egypt. It is attributed by some to Varius; but, as it appears to be unworthy of his reputation, it is given rather to one Rabirius. It is printed in the preface to the second of the '*Herculanensium Voluminum*,' and consists only of eight scraps, comprehending in the whole 57 verses; the last line is—

'Consiliis nox apta ducum, lux aptior armis.'

Lithographic engraving appears to have been expressly invented to facilitate and cheapen the publication of Oriental writings, the characters of which can scarcely be imitated by ordinary types, to give a faithful copy of inscriptions, and to supply at an easy price a *fac-simile* of a manuscript; and to the Papyri this new and useful art was admirably adapted. '*Herculanensium Voluminum pars prima*' was accordingly printed, with this aid, at the Clarendon press, by the University of Oxford, and published, in 8vo, in the year 1824. It consists of 133 pages, or rather plates, being merely a *fac-simile* on stone of some of the Papyri, which had been unrolled by the command of his present Majesty—without notes, translation, or commentary, without even a copy in cursive Greek characters of the text, which is written, as in the rest of the rolls, in capitals. The marvellous indolence and indifference of our university in getting up this work, afford a striking contrast to the diligence of the Neapolitan literati, and to the copious and even excessive illustration which their zeal and activity have poured forth. This part contains portions of two philosophical treatises of the same fortunate Philodemus; of one on anger by an anonymous writer; and of another περὶ ποιημάτων, which is very imperfect, by one Demetrius.

The second part appeared in 1825. It comprehends, in 155 pages, fragments of three treatises by the same eternal Philodemus. The last is entitled περὶ ποιημάτων. Some passages are nearly entire. It appears to be, as usual, a Philosophical discourse about the utility of poetry, or some such thing—not a technical work on metre. This second publication is as bald, and as free from critical assistance, as the former; and has no other merit than that of presenting the text in a cheap and accessible form. The two great English Universities are certainly more wealthy than any other Universities in Europe; but they have done less for

learning of late years than the poorest and most insignificant: the sole employment of the persons who permanently reside there seeming to be, to wait patiently for the death of one another, and meanwhile, in compliment, perhaps, to their common occupation, to resemble the dead as nearly as possible! especially in the grand characteristic of death,—a deep and unbroken rest.

The reports that have been made by the learned men who have examined the Papyri that have hitherto been found, and the specimens of the contents which they have given, have reduced our hopes of any benefit that is to be derived from them to a very small amount. But though these particular rolls have been so unprofitable, may we not expect that others will be found in a better state of preservation, and will repay the trouble of copying them, by supplying more valuable matter?

The Papyri that were discovered were all found in Herculaneum; and there are various reasons that forbid us to look for further accessions from the ruins of that city. It was overwhelmed by torrents of burning lava, of which the intense heat would necessarily reduce to charcoal any manuscripts that might be there; consequently we cannot venture to hope that any exist in that city, which are not in as imperfect a condition as those which have been already extracted; and as the lava forms a stone of extreme hardness, and is of a great thickness, so that the ruins are at a considerable depth beneath the surface, successive eruptions having constantly added to the mass, the process of making excavations is necessarily slow, laborious, and expensive. For these and some other reasons, all operations are now discontinued, and we can expect nothing more from Herculaneum.

We turn our attention, therefore, to the neighbouring city of Pompeii, and there our prospects brighten: and we may hope with some confidence, that literature will ultimately receive important accessions from that source. This unfortunate city was buried under torrents of mud, which were followed by showers of stones and ashes. The labour of removing such substances is comparatively light, and the depth of the stratum very inconsiderable. It is plain that books enclosed in a receptacle of stone or of metal, or in any place that was water-tight, would receive no injury from the mud; and we may reasonably expect that some remain uninjured in those interesting ruins, and await the hands of the fortunate individual whose destiny it is to bring them again to light. It is true, that no books have as yet been found there; but it is also true, that a very small portion of the space within the walls has as yet been explored; and that portion consists chiefly of temples, of theatres, of baths, of the

Forum, and of buildings where we could not well suppose that any books would exist. It is true, also, that the city was smaller and less important than Herculaneum, and that the articles that have been found in it were less valuable than those which the latter city has furnished; but can we believe that a city, four miles in circuit, situated in a highly-civilized part of the world, would be without books, in an age when they were abundant?

There is reason to believe, that, as it was easy to dig through the thin and light covering in which the ruins were embedded, much of the more precious property was extracted soon after its interment; but it is also plain, from what has been found, that many articles were left behind, and books were hardly so valuable as to tempt the proprietors to make expensive excavations. If a public library, or the collection of a great bookseller, was thought to be of sufficient importance, the small, but possibly well-chosen, selection of classics, worn by use, and blotted by scholia, inestimable to us and to their owner, but unsaleable, and, as articles of commerce, worthless, would hardly justify the philosopher, the rhetorician, or the schoolmaster, to whom they had belonged, in adding to his other losses the cost of recovering them. Perhaps in the wreck of his fortunes he was without the means; perhaps, like Archimedes, he was at his studies when his city was captured, and died at his post, and was buried with his favourite volumes! It is said that the difficulty and expense of making excavations at Pompeii chiefly arise from the value of the superincumbent soil. This, accordingly, has been another obstacle to the search after books; and as, in seeking for any thing, we rarely go to the right place first, in clearing the whole city, the library may be the very last edifice that is examined. Herculaneum was in some degree explored by sinking shafts or pits in different places; we do not understand distinctly whether they were the wells of the inhabitants of Portici, or were formed for the purpose. It does not appear that Pompeii has ever been probed in this way; but the practice is worthy of imitation. It would be extremely easy and very advantageous to operate, as it were, by boring in every part; and it might be desirable to run galleries from one pit to the other; and thus to gain a general idea of the topography. By these means, the explorers might learn, at a small expense, what was buried in each place, and where it would be most worth while to complete the excavation. Nor would it be amiss to probe in the same manner Stabiæ and the other buried cities. It ought never to be forgotten that books are the grand objects of search; but unhappily we are compelled to remember that they are the most difficult to be found. We should

be surprised if a complete copy of the History of Livy, or of Polybius, were found in any library, even in the most remote district; but no one could be *surprised*, although he might greatly rejoice, if, in some secure nook, in a marble chest, in a private dwelling-house in Pompeii, such a discovery were made. But although we should not be surprised at finding such a treasure, as we have unfortunately no reason to suppose that the persons who slowly investigate these interesting ruins will stumble upon it in this age rather than in the next, we have no right to be astonished if the discovery be postponed until we have concluded our earthly pilgrimage, and terminated our sublunary studies. It cannot be denied that this is a fair statement of the condition of our hopes of benefit from the *second* source.

The *third*, if it be less marvellous and astounding than the last, is not without a considerable degree of singularity; and as it has received but little attention elsewhere, and has scarcely been at all noticed in Great Britain, it deserves a fuller consideration. We believe it is not generally known, that there are many manuscripts in existence, of great antiquity, which are written *in Short-hand*—and it is from deciphering these, that we hope to recover works that are not to be found at present in any other shape.

A general notion of the nature and importance of this source will be derived from the remarks of the learned Benedictines, who introduced their analysis of the Tironian notes, with preliminary observations, of so much clearness and brevity, that before we enter more at large into the history of this kind of writing, and the extent of our expectations from it, we will transcribe their words from the '*Nouveau Traité de Diplomatique.*'

'Depuis un demi-siècle les savans ont fait des efforts prodigieux pour resusciter la langue, l'écriture, et la littérature des anciens Etrusques: et l'on peut dire que ces efforts n'ont pas été sans succès. Presque personne n'a travaillé à déchiffrer les Notes de Tiron; quoique leur connoissance puisse produire des avantages bien plus grands à la république des lettres, qu'on n'a sujet d'en attendre de la langue étrusque.

'Nous avons des livres entiers écrits en notes;—des diplomes, où à peine trouve t'on quelques mots, qui ne soient point en cette écriture; des manuscrits dont un nombre de pages excitent notre curiosité et s'y refusent à la fois; parcequ'il ne s'est presque point encore trouvé de savans, qui n'aient été plus épouvantés du travail qu'il falloit entreprendre pour les déchiffrer, qu' animés par l'espoir d'y réussir. Combien d'autres manuscrits où des Notes Tironiennes, soit en marge, soit interlinéaires, nous annoncent peut être des secrets, que personne ne

tente d'approfondir? Combien de lettres, où la crainte de se rendre trop intelligible à ceux qui pouvoient les intercepter, a fait employer des Notes, dans les endroits les plus critiques et les plus délicats, et même dans quelques-uns assez indifférens, pour mieux cacher le mystere? Enfin, presque tous les anciens diplomes de nos Rois et des Empereurs renferment au milieu des parafes des notes de Tiron, qui ont fait la croix, pour ne pas dire la honte des plus grands hommes, qui se sont vus hors d'état de les déchiffrer. Les uns les ont regardées comme des traits de caprice, qui ne signifioient rien; d'autres ont fait semblant de ne les point voir; les plus éclairés les ont reconnues pour notes de Tiron, et les ont en même tems regardées comme du fruit défendu, auquel il n'étoit pas permis de toucher . . . Il semble que cette portion de littérature ne devroit pas être si négligée . . . Un siècle où l'algèbre la plus sublime est cultivée, doit avoir produit bien des têtes capables d'épuiser cette algèbre d'érudition.'

The history of the art is curious; but the historians are contradictory, and to explain and endeavour to reconcile them would be long and tedious. The story ordinarily received is, that they were introduced into Rome by Tiro, the freedman, correspondent and favourite of Cicero, and that the art was first practised in public in the time of Cicero, and by his desire. Plutarch tells us, in his life of Cato, that being anxious to have a correct report of the speech of that distinguished statesman on some important occasion, M. Tullius placed several persons in the senate-house, in order that, each taking down a part according to the plan that was arranged amongst them, they might thus catch the whole oration, and put it together afterwards. From several hands being employed, it should seem that the art was then in its infancy; indeed, Plutarch asserts that Cicero taught them the characters himself for that particular occasion. The art must have been greatly improved in the days of Ausonius; for his celebrated epigram will apply to the rapidity of modern reporting, by which the beginning of a speech of no unusual length is very often printed before the orator has concluded his discourse:—

> 'Quis, quæso, quis me prodidit?
> Quis ista jam dixit tibi,
> Quæ cogitabam dicere?
> Quæ furta corde in intimo
> Exercet ales dextera?
> Quis ordo rerum tam novus,
> Veniat in aures ut tuas
> Quod lingua nondum absolverit?'

The velocity of the very ingenious persons who publish the most popular and the most melancholy of all orations, the last dying speeches and confessions, is still more wonderful; for by a certain miraculous and prophetic alacrity, they commonly

make public the discourse some hours before the orator has uttered his last and newest words. It is to these artists alone that the exaggerated wonder of Ausonius is literally applicable. If the practice at Bourdeaux in the 4th century was the same as it is in Britain in the nineteenth, on such occasions, it is not impossible that the learned professor composed these verses, whilst he was contemplating such a solemn end, and was reflecting on the inconvenience—and to a professed rhetorician it would not be a trifling one—of being thus anticipated. It is possible that it had been lately introduced, and in that case the words, 'Quis ordo 'rerum tam novus?' will be satisfied. It is certain, that soon after the time of Cicero, the art of Tachygraphy had attained to considerable perfection; and perhaps Plutarch underrates its advancement at the period of which he speaks; it was a natural ambition in the Gurneys of those days, to desire to trace up their art to an origin so illustrious as M. Tullius, and to choose such a Cadmus to bring their letters first into the Forum, and as a consolation, also, for the unreasonable censure which Seneca had passed upon them. 'Quid loquar verborum notas,' says the angry philosopher, 'quibus, quamvis citati, excipitur oratio, et ce'leritatem linguæ manus sequitur? Vilissimorum mancipiorum 'ista commenta sunt.' Martial graphically describes the utmost perfection of the art; his epigram paints the writer as keeping always a-head of the speaker, and waiting for him, as in our days we see frequently a similar command of that useful and curious kind of writing.

> 'Currant verba licet, manus est velocior illis;
> Nondum lingua suum, dextra peregit opus.'

There is reason to believe that the art was of higher antiquity than Plutarch assigns to it, although it may not be so ancient as Funccius would make it, who gravely assures us, in his learned treatise '*De Scripturâ Veterum*,' that our general father, Adam, was a skilful short-hand writer. It seems more probable, however, that Tiro imported the art from Greece, than that he was the inventor of it; especially as Diogenes Laertius informs us that Xenophon used to practise it; but it is not necessary to trace the history of it at present. During the decline of the Roman Empire, this kind of writing was much in use, and during the whole period usually termed the Middle Ages: Manuscripts written entirely in the Tironian notes are not unfrequent in libraries of the date of the seventh century, as it is supposed, and downwards to a late era; and scholia in these characters are still more common in the margins of manuscripts which are themselves written in the ordinary manner.

At the revival of letters these works attracted powerfully the attention of learned men; we find an elegant and urgent letter of Cardinal Bembo (Epist. Famil. l. 5. cap. 8.), to Julius the Second, earnestly exhorting him to revive the study of these notes. His Holiness was moved by the solicitations of his eminent correspondent; and he accordingly set the most learned men of his time to work to discover the art and science of the Tironian notes. They studied them with the greatest application, and examined them with all possible care; but in vain. Many who were unable to decipher them after all their efforts, grew angry, and abused them lustily, comparing them to the Chinese characters, and declaring that they were merely arbitrary symbols, and that it was impossible to find the key to them, and vain to attempt it. These endeavours failed, not, as the Germans would have us believe, because the wits of the south are less sharp than those of the north, but because the former had not the helps which the latter have enjoyed, namely, several copious dictionaries in manuscript of the notes, and some copies of the Psalms, which were known to be the Psalms.

The attention of learned men was drawn to this subject early, in the North, and their inquiries were not so completely baffled. Trithemius, or Trittenheim, at the end of the 15th century, was lucky enough to purchase a Lexicon of Tironian notes, of an abbot of his own order, by a sort of pious fraud, or excusable trick; and he tells us, also, that he discovered, in the library of the Cathedral at Strasburg, the book of Psalms written in these notes, which had ignorantly been supposed to be the Psalms in the *Armenian* language. His book is scarce, his narrative quaint and curious, and the story worthy of attention. These are the words of the respectable monk:—

'De Notis, et mirabili modo, sed nimis laborioso, scribendi, M. T. Ciceronis, et post eum S. Cypriani, Episcopi, et Martyris.

'Marcus Tullius Cicero, facundus Romanorum orator, librum scripsit non parvæ quantitatis, Notarum, quem S. Cyprianus, Carthaginiensium Præsul et Martyr, multis et notis et dictionibus ampliavit, adjiciens vocabula Christianorum usibus necessaria, ut opus ipsum fieret non solum utile Paganis, sed multò magis etiam fidelibus. Rarus est codex, et a me semel duntaxat repertus, vilique pretio emptus. Nam cum, anno Dominicæ nativitatis 1496, bibliothecas plures librorum amore perlustrarem, reperi memoratum codicem in quodam ordinis nostri monasterio, nimiâ vetustate neglectum, projectum sub pulvere atque contemptum. Interrogavi abbatem, doctorem juris, quanti illum estimaret: respondit, S. Anshelmi parva opuscula nuper impressa illi præferrem. Ad bibliopolas abii, quoniam in civitate res contigit metropolitana, postulata Anshelmi opuscula pro sextâ floreni parte comparavi, abbati et monachis gaudentibus tradidi, et jam prope in-

teritum actum codicem liberavi. *Decreverunt enim, pergameni amore,** *radendum.* Biennio fermè post hæc, eques Argentinam in causis ordinis mei adscendi, admissusque per Joannem Keisserbergium, insignem loci concionatorem, in bibliothecam majoris Ecclesiæ, Psalterium reperi, totum iisdem Tullii et Cypriani Notis exaratum, aureisque capitellis decentissimè scriptum. Superscriptio autem ab ignaro mysterii talis fuerat extrinsecus posita: Psalterium in Armenicâ linguâ! Doctorem adhibui, falsitatem ostendi, ita rescribendum admonui: Psalterium notis Ciceronianis descriptum. Quod fecerit necne, incertum habeo, quoniam ad eam bibliothecam postea non sum reversus. Memoriam postulat iste modus scribendi magnam, et laborem legendi penitus ingentem; ubi quilibet character aut dictionem significat integram, aut syllabam ultimam, sive partem orationis aliquam ad compositionem totius idoneam.'

After the time of Trithemius, much was done at various periods, and by different persons, towards the analysis of the Tironian notes; but not so much as the inquirer after the lost classics would desire—for no fruit was produced. The most important work on this curious subject is a very modern one; and although it cannot as yet be said that the learned author has actually borne fruit, by deciphering any author of value, yet his labours will greatly facilitate such a generous enterprise, and a brief account of the book will best explain what it is necessary to the present purpose to understand of these matters. The title of the work is, '*Tachygraphia Veterum exposita et illustrata ab Ulrico Frid. Kopp.* 2 tom. 4to. *Manheim,* 1817,' a general title of '*Palæographia Critica,*' being thrown over it, like a mantle, or cloud. The first volume contains various investigations,—the history of the art,—an analysis of the forms of words, and whatever in short is necessary to constitute what may be called a Grammar of ancient short-hand; and it is, in truth, a wonderful monument of diligence and learning; but it would be very advantageous to make an epitome, or abridgement, omitting all that is merely archæological and historical, and especially those parts in which the errors of others are stated and exposed, and retaining only whatever is necessary in a grammar.

If this abridgement were well executed, we might venture to hope that some meritorious persons would avail themselves of the helps which the learned Kopp has afforded, and demonstrate at once the correctness of his work, and the incorrectness of his

* The *amor pergameni* has done much injury to the cause of learning. Classical scholars will perhaps maintain, that it is the most mischievous form in which that mischievous passion has shown itself; that the love of skin has been more fatal than the love of flesh.

desponding dedication, which is in these words :—'Posteris 'hoc opus, ab æqualium meorum studiis forte alienum, do, dico, 'atque dedico.'

The second volume is a very full Dictionary of this old short-hand, containing about twelve thousand words or marks, arranged in alphabetical order: a number abundantly sufficient to enable the student to acquire great facility in reading, to understand the analogy fully, so as to become perfectly familiar with the whole system, and to put it in the power of any one, by the labour of a few hours, to discover the subject of any manuscript which is written in these characters. It is probable, therefore, that at last the desire and demand of the learned, as expressed by Justus Lipsius more than two centuries ago, will be satisfied; 'Aiunt libros alibi in bibliothecis exstare harum No-'tarum. *Cur non edunt?* Quanto utilius, quam nugas quasdam, 'hodie atque heri natas!'

As to the notes themselves, the curious will most readily find a specimen of them in the '*Thesaurus Inscriptionum*' of Gruter, or in the third volume of the '*Nouveau Traité de Diplomatique.*' Kopp successfully combats the idea, that the notes are not alphabetical, although it is not to be denied, that many of them must be considered as arbitrary signs; but, on the whole, the Tironian system, as explained by him, displays wonderful ingenuity. He would rather derive their name from *Tiro*, a learner, than, as it is usually deduced, from the freedman of Cicero. The characters, we think, are manifestly formed from the Roman, and perhaps also sometimes from the Greek capitals; yet they frequently resemble the Chinese, the more simple characters of which forcibly remind us of the more complicated of the notes; and if a number of them were culled out for the purpose, they would probably deceive even eyes accustomed to the sight of Chinese writing. There is the same cramped execution; they are thick and black; a large wedge-like stroke is rudely varied with awkward loops or curls, issuing from different points, or by short, black, wedge-like strokes, placed in different directions, adjoining, or sometimes passing through, the parent stem at various points. The ancients were, for the most part, ignorant of any alphabet, except the Greek and the Roman, which were very like each other; the Tironian characters were formed of the Roman capitals, or of portions of them. In modern times as many persons are familiar with a great variety of alphabets, and as the art of Tachygraphy had made greater progress, the inventors of modern systems of short-hand ventured to contrive new alphabets, and to look only for such forms of letters as are most simple and easily made, and have the advantage of join-

ing well with the characters that precede and follow. They have accordingly formed various systems, of which the letters are strikingly cursive, and present an appearance entirely different from the Tironian notes; not resembling the Chinese, but rather the Arabic and Persian hands, in the union of the letters that form the words, in the dots and other minute marks, which are like the Eastern vowels and diacritical points, and because also the words often ascend or descend considerably from the line, the different portions of the same word, although the letters are still joined, being, as it were, on different levels. In systems of short-hand used for languages which are but little inflected, signs, denoting the terminations of words, are not of much importance; but in the Greek and Latin, in which the inflections are numerous, such signs are as essential to determine the true sense of a passage, as the radical part of the words; in the Tironian notes, therefore, they occupy a distinguished place. The notes do not appear to be very brief to us, who are accustomed to cursive writing, and to the modern and more perfect short-hand; though they no doubt seemed very compendious to persons who always wrote in Roman capitals, and to whom abbreviations were much more necessary. We have, moreover, ample proof, that they were sufficient for their purpose; since men, who were skilful in the use of them, were able to take down the words of a speaker, as rapidly as they were uttered. Many of the Tironian notes have been retained in old entries and charters, in manuscripts, and even in printed books; as the mark resembling the Arabic numeral 9, which denotes the termination *us*, and the line, like the mark over a long syllable, which signifies *m*, or sometimes *um*, and several others.

A few Greek manuscripts are in existence written in notes; and the learned Kopp assures us, that the Greek notes are more easy and simple than the Tironian, and that the accents and spirits which are always expressed, greatly assist the reader. In appearance, they are more similar to modern short-hand. They often occur in Greek manuscripts that are written in long-hand: as the Latins called these characters *notæ*, and their short-hand writers *notarii*, so the Greeks used the terms σημεῖα and σημειογράφοι. Kopp is decidedly of opinion, that the Tironian notes were not derived from Greece; and his reasoning is ingenious, though not conclusive.

This very industrious and learned person describes the manuscripts which he examined, as consisting either of dictionaries of notes, which he found of course very useful, or works of a religious nature; and he very frankly gives vent to his disappoint-

ment in these words: 'Verè dolemus, plurimos libros, qui notis 'Tironianis scripti in bibliothecis latent, non nisi psalteria, scripta 'de rebus sacris, opera Patrum, aliaque hujus generis, continere, 'quæ cognoscere haud multum interest virorum doctorum.' It is consolatory, however, to reflect that his inquiries were not extensive; they were principally made in the libraries at Paris: we may hope, therefore, that a more comprehensive search will detect works, the study of which will be more interesting to learned men. Kopp has certainly done much towards facilitating these studies; but scarcely so much, perhaps, as he would have his readers believe. He says of himself and his work that he proceeded throughout 'incredibili opera, summa diligentia, et, 'paucis ut complectar, Germanica assiduitate atque industria;' but with such great qualities, and such ample materials, we think he might have composed a better dictionary. If he had received the advice of the learned Benedictines with humility, and followed it with attention, his work would have been more useful. Nevertheless, he has done good service to the cause of learning, and deserves no vulgar praise. The utilities of this study are so great, as he plainly shows, that it may be fit to resume the consideration of the subject on another occasion, or in another place. If we may judge from the demeanour of its votaries, it appears, like all studies that are far removed from ordinary pursuits, to be very fascinating, and capable of inspiring an extraordinary zeal. From this singular source it is plain, that we may still look for valuable additions to classical literature. Orations and jurisprudence appear to be the most likely kinds of composition to exist in this form, because they have a certain connexion with the use of short-hand. It is supposed that the Book of Psalms was copied by learners as an exercise in the art; but we may hope that some also took their first lessons in transcribing profane literature. It is evident that the lives of the saints and homilies were written in these notes, because the writers were of opinion that they best deserved to be preserved, and were best suited to their peculiar turn of mind; but we cannot doubt, that amongst the various students of the Tironian mystery, scribes might be found who employed their pens on human lore, and chose less edifying, but more instructive subjects.

The Fourth and last source is infinitely more important than the three which we have already examined; and it is only inferior in singularity to that which has been opened by the carbonated Papyri—a source that has but lately been discovered, and hitherto explored to a very trifling extent, but that holds forth promises of gains without limit. To overrate its importance is impossible: and it is needless, therefore, to offer any apology

for examining fully into the general nature of it, and explaining the benefits which it has afforded, and which we may hope it is still likely to afford.

We allude to the Palimpsest manuscripts, the origin of which was briefly and plainly described, nearly a century ago, by a man of remarkable erudition, in a curious and interesting Essay, of which the title is, 'Dissertation sur la plante appellée Papy-'rus, sur le papier d'Egypte, sur le papier de coton, et sur celuy 'dont on se sert aujourd'huy; par le R. P. D. Bernard de Mont-'faucon.—Mémoires de Littérature tirez des Régistres de l'Aca-'démie Royale des Inscriptions et Belles Lettres, tome 6me. 4to. 'Paris, 1729.' His words are as follow :—

'Cela (le papier bombycin) vint fort à propos dans un temps, où il paroit qu'il y avoit grande disette de parchemin; ce qui nous a fait perdre plusieurs anciens auteurs: voicy comment. Depuis le 12e siècle, les Grecs, plongez dans l'ignorance, s'avisèrent de racler les écritures des anciens MSS. en parchemin, et d'en ôter, autant qu'ils pouvoient, toutes les traces, pour y écrire des livres d'Eglise : ce fut ainsi qu'au grand préjudice de la république des lettres, les Polybes, les Dions, les Diodores de Sicile, et d'autres auteurs que nous n'avons plus, furent métamorphosez en Triodions, en Pentecostaires, en Homélies, et en d'autres livres d'Eglise. Après une exacte recherche, je puis assurer que des livres écrits sur du parchemin depuis le 12e siècle, j'en ay plus trouvé dont on avoit raclé l'ancienne écriture, que d'autres. Mais comme tous les copistes n'estoient pas également habiles à effacer ainsi ces premiers auteurs, il s'en trouve quelques-uns où l'on peut lire au moins une partie de ce qu'on avoit voulu raturer.'

Before we proceed farther, we have three remarks to make on this extract; first, that it is to be regretted, as will presently be manifest, that the learned Dom. does not inform us where those manuscripts, in which the traces of the ancient writing were most visible, are to be found. Secondly, that the number of erased manuscripts must be prodigious; since an antiquary, who had examined such a host of manuscripts written since the twelfth century, asserts that *the greater part of them* bore evident marks of having been subjected to erasure. Thirdly, If we suppose that the practice, of which Montfaucon speaks, commenced in the twelfth century, although possibly it might be most frequent at that time, we shall be mistaken; for there is satisfactory evidence that it was much more ancient: it subsisted for fifteen hundred years at the least; we know that it was in existence in the time of Cicero, and Trithemius tells us, in the passage before cited, that he found it in full force in his days; '*Decreverunt enim,*' he says, '*pergameni amore, raden-'dum.*' The practice, indeed, of erasing the whole contents of a

skin of parchment was far more universal than is commonly supposed; and the farther we extend our inquiries, the more satisfactory and full do we find the evidence of its long duration; but of this hereafter.

The ink which the ancients generally used was composed of lamp-black mixed with gum, as we are informed by Dioscorides and others, who give the receipt for making it. Ink of this kind may be called carbonic: it possesses the advantages of extreme blackness and great durability, the writing remaining fresh so long as the substance on which it is written exists; but, as it does not sink into the paper, it is liable to the great inconvenience of being easily and entirely removed; for, if a wet sponge be applied to it, the writing may be washed away, and no traces whatever of the characters will remain. The facility with which documents might thus be obliterated gave occasion to fraud; as an artful forger was able to remove such portions of the original writing as he might desire to get rid of, and thus profit by the absence of material words, or insert in the blanks which he had made such interpolations as might serve his turn. Many common accidents, whereby books and writings were exposed to wet, or even to damp, were also fatal, or at least highly injurious, to compositions and muniments of great value: various expedients were therefore attempted to remedy an imperfection from which many must have suffered severely. Pliny informs us that it was usual, in his time, to mix vinegar with the ink to make it strike into the paper or parchment, and that it, in some degree, answered the purpose. It should seem that vitriolic ink, such as we use at present, was also adopted soon afterwards, which possesses, in perfection, the quality that was desired of sinking instantly into the paper, so as to make it far more difficult to discharge it without destroying the texture on which it is written, and of being perfectly secure against water, by which Indian and other carbonic inks are so easily effaced. It is not, however, equally secure against the effects of time; for vitriolic ink gradually fades away, becomes paler by degrees, turns brown and yellow, and is scarcely legible; and sometimes, as the parchment grows yellow and brown with age, disappears altogether. A compound kind of ink came next into use, which united the advantages and avoided the defects of the two simple sorts; such a mixed ink was generally used for several centuries, and with this the manuscripts that are now most fresh and legible appear to have been written. It is evident that the ink with which the original works contained in the Palimpsest manuscripts that have been deciphered were written, was at least in part vitriolic; for the letters which had been rubbed out were rendered legible

by the application of the infusion of galls. In order to remove the original writing, the parchments on which the mixed ink had been used were, probably, first washed to take off the carbon, and thus partially to efface the characters, and were afterwards scraped or rubbed with pumice, or some other suitable substance, to complete the process of destruction, by taking away mechanically the colour that the vitriolic portion of the ink still preserved. It is but too probable that many manuscripts, the characters of which were entirely formed of the more ancient carbonic ink, have been entirely destroyed, the letters having been washed off as completely, and by the same simple means, as the writing of a schoolboy on a slate; whilst the parchment still remains in our libraries, and is covered with more modern compositions which have sacrilegiously and too successfully usurped the place of more ancient and more valuable matter: the tirades of Cyril or of Jerome, or the tawdry eloquence of Chrysostom, are perhaps firmly established in quarters from whence the Margites of Homer, or the comedies of Menander, were miserably dislodged.

A manuscript is called Palimpsest, from the adjective *παλίμψαιστος*, or *παλίμψηστος*, signifying twice rubbed; not, as the glossary of Du Cange (membrana iterum abrasa—charta deletilis) would seem to denote, because the parchment had twice undergone erasure, or the writing been twice obliterated, but because it had been twice prepared for writing, which was principally effected by rubbing it with pumice, first in the course of manufacture, after the skin had been cured, and again by the same process, after the original writing had been taken away by washing, or in any other manner. The strict and precise sense of Palimpsest is, therefore, 'twice prepared for writing;' the repetition of such preparation being the prevailing idea in the etymology, and not erasure, as some have erroneously supposed. It is said to be easy to remove from modern parchment, especially if what is written be of some standing, all traces of writing, by rubbing it with pumice, or similar substances; and if the surface be afterwards polished, no one, by merely looking on it, will suppose that it had ever been written upon; but if it be washed with the infusion of galls, the letters will be so far restored, particularly if it be suffered to remain some time in the light, that it may be copied by a patient and practised person, who is gifted with good eyes—so deeply had the iron entered into the soul of the parchment! If the erased letters were written in a bold large hand, the task of deciphering them will of course be less troublesome, and the results more sure. And such are the characters of the more ancient manuscripts; for the older the

manuscript, the better and more legible is the writing, as approaching more nearly to the ages of civility and refinement. The method of writing in old times is also favourable, it is said, to the restoration of works apparently obliterated. The scribe did not use a thin flowing ink, nor a finely pointed pen, as modern writers are wont; nor was a small quantity applied so lightly and sparingly as to dry almost as fast as it touches the paper. The ancient ink was thick with gum, and was supplied copiously by a pen with a broad point, usually made of a reed, and the characters were painted rather than written; the ink rather resembling paint or varnish than our thin liquor. As they rarely wrote in books, it was not necessary that the page should dry speedily, or be dried by means of sand or blotting-paper, in order to prevent loss of time, and that the penman might turn over the leaf immediately; the loose sheets or leaves, on the contrary, which were only to be bound up when the whole was completed, were left to dry slowly, so that the pools of ink that formed the letters stood long on the surface of the parchment, and that part of the fluid which was of a penetrating nature was gradually absorbed, and sunk deeply into the substance of the skin; so as to preserve to us, as we may venture to hope, if we be not wanting to ourselves in diligence, many precious relics of ancient lore. The restoration of the original writing in a Palimpsest manuscript will be best explained by referring to one of the many kinds of sympathetic ink, which is, in truth, making common ink *ex post facto*, or uniting the ingredients of which it is composed after the fact of writing. If we write with water, in which copperas has been dissolved, the letters will be invisible; but when the paper is washed over with an infusion of galls, they will appear gradually, and will in time become tolerably legible; the ink thus being formed upon the paper, although much less perfectly, than in the ordinary maceration.

Examples are the most satisfactory and the most brief instructors. We will therefore select some remarkable instances of the discovery of Palimpsests, but will avoid entering into minute details, which are always tedious, and in the present discourse unnecessary, as our object is only to give an outline of the subject, and to animate all persons who have the opportunities of pursuing these inquiries to make a diligent search, by pointing out to them the vast importance of this source of hope. Monsignore Angelo Maio, who at present fills the important office of principal Librarian of the Vatican library at Rome, has been the principal operator in this line; and may truly be called the hero of Palimpsests, the discoverer and Columbus of

a new world of letters. Whether he might not add much to the benefits he has already conferred on the learned, by availing himself of his present office to facilitate the admission of the studious into the inestimable library over which he presides, is not now the question; but it is certain, that he deserves the most grateful thanks, and the highest honours, for his sedulous efforts in restoring many valuable fragments, especially if they be contrasted with the supineness of the learned in general on a subject of such marvellous interest, and which would seem altogether incredible, had not experience taught us that great discoveries are always matured slowly, and do not for some time produce the fruit that might be expected.

We will relate some of the performances of the learned prelate, always, however, studiously affecting brevity, and being willing rather to be blamed for the scantiness and imperfection of our narrative, than to fall into the odious and intolerable sin of prolixity. We will speak first of the discovery of some fragments of the orations of Cicero. He gives the following account of his good fortune, in an agreeable preface:—'In examining 'carefully some manuscripts in the Ambrosian Library at Milan, 'I observed that one of great antiquity was a Palimpsest. This 'manuscript had belonged to the convent of Bobio, a monastery 'of Liguria, situated in the midst of the Apennines, which was 'founded by St Columbanus, A.D. 612, and of which the monks 'obtained considerable reputation, not only for sanctity, but for 'learning also. Gerbertus, a Frenchman by birth, who was 'Pope, under the name of Sylvester II. and was so famous for 'his learning, that he is one of those who are reported to have 'sold their souls to the devil, was head of the monastery in the 'tenth century, and he added greatly to the reputation of the 'place, and to the contents of the library. The Cardinal Frederic Borromeo, who founded the Ambrosian Library at the 'beginning of the seventeenth century, purchased the principal 'part of the collection at Bobio, and brought it to Milan. 'Whilst I was examining these manuscripts, I remarked that 'one, which contained some of the writings of Sedulius, a Christian poet, which had already been published, was a Palimpsest; and on looking very closely and attentively, I discovered 'traces of the former writing under the latter. "O Deus immortalis, repentè clamorem sustuli, quid demum video! En "Ciceronem, en lumen Romanæ facundiæ, indignissimis tenebris "circumseptum! Agnosco deperditas Tullii orationes! sentio "ejus eloquentiam ex his latebris divina quadam vi fluere, abundantem sonantibus verbis uberibusque sententiis."' He read the titles '*pro Scauro*,' '*pro Tullio*,' and '*pro Flacco*,' and was

able, with some trouble, to decipher the whole of the fragments of these three lost orations. They are written in large and very beautiful letters, each page being divided into three columns. The oration *pro Scauro* was accompanied by scholia, elegantly written in small letters of a square form, and there were others in characters of a ruder shape, but still ancient. He supposes, for reasons that are given at length, that all the scholia were the production of the celebrated Asconius Pedianus. These three fragments, with the scholia, were published at Milan.

On another occasion, in looking over the manuscripts from Bobio, he observed, that one, which contained a Latin translation of the proceedings of the Council of Chalcedon, was a Palimpsest also; the more ancient writing was in large and handsome characters, larger, but less beautiful, than that which contained the fragments of the three orations already named; and there were two columns only in each page, which circumstance testifies that the writing is somewhat more modern, than where there are three. He perceived that it contained parts of three other unpublished orations of Cicero, with annotations, which were also unpublished, and some unpublished commentaries on four orations which we possess. The learned editor published the whole of these fragments in one volume, in the year 1817, correcting and amending those which he had before sent forth. 'Quis enim,' he says, 'tanto sit inflatus errore, ut quæ summo 'cum labore, difficultate, miseriaque, e palimpsestorum invo-'lucris expediverit, eadem credat, veluti armatam Minervam e 'Jovis cerebro, omnibus numeris absoluta se in lucem emittere '—tum etiam in notis meis quidquid pingui Minerva egeram, 'id accuratiore eruditione refeci.' This edition is entitled, 'M. Tullii Ciceronis sex orationum partes, ante nostram æta-'tem ineditæ, cum antiquo interprete, qui videtur Asconius 'Pedianus, ad Tullianos septemtriones. Accedunt scholia mi-'nora vetera.' We cannot doubt that the learned editor had some trouble in deciphering the manuscript; but it is plain, that he is not disposed to underrate his labours. He enumerates, amongst his toils, that of arranging the pages; to describe the inversion, dispersion, and wonderful perturbation of which, he uses three epithets, having, however, told us the page but one before, that the number of the leaves amounted, in all, only to eleven or twelve. But we may excuse the desire so natural to persons who have assisted in making extraordinary discoveries, to magnify the value and the difficulty of their own efforts; it is a miserable economy to be sparing of praise.

The new characters are sometimes written *across* the old, as in the fragment of the oration '*pro Scauro*,' where the lines are

at right angles; sometimes, as in the fragment '*pro ære alieno* '*Milonis*,' the page is *inverted*, and the letters are placed in the spaces *between* the erased lines, so that the letters may be described as being foot to foot, the latter writer appearing commonly to avoid treading in the very steps of his predecessor. Whenever he has neglected this precaution, and placed the later letters immediately *upon* the ancient, it is of course more difficult to decipher them; but the difference in the form and colour is still a great help, and the difficulty of reading the Palimpsests is greatly magnified. It is not to be denied, that the interest of *a novel* would soon begin to flag, if there was no other method of making out the story; but as the manuscript is to be read once only, that it may be copied and printed, there is no great hardship in picking out the text, letter by letter, for that purpose; many ancient documents that have not undergone the process of washing, or scraping, are quite as illegible, the ink being as pale, and the ground as dark, as in any Palimpsest whatever. A good magnifying glass is of great use in reading obscure and faded manuscripts; and we cannot doubt that this obvious expedient was adopted to smooth in some measure the difficulties of deciphering the Palimpsests, although we are not informed that it was in fact. A powerful microscope might, perhaps, be useful in examining manuscripts in the first instance; it might discover traces of the ancient writing, that were too minute to be seized by the naked eye; and in thus examining many parchments, such a familiarity with the appearances might be formed by this instrument, that a practised observer might be able to decide at once, whether the surface was in its original state, or had undergone the process of erasure.

The manuscripts which contained these fragments of the Orations of Cicero, would of themselves prove the great antiquity of the practice of rescription; for it is supposed that the oration '*pro Scauro*' was obliterated in the 8th century. The learned editor informs us, on the high authority of Montfaucon, that it was common with Latin more early than with Greek manuscripts; the former are found of as remote a date as the 7th century, but of the latter he had not met with one, in which the second writing was older than the 11th century. The editor observes, that in both these manuscripts the ancient writing was as much superior to the more modern, as the matter it contains was more precious; both the form and the substance were more excellent. Respecting the more modern matter he remarks, not unfairly, 'Sed enim et illud fatendum est plerosque Palimpsestos, Christiana argumenta, immo ipsos divinos libros excepisse,

'quorum materiam, quamquam religionis gratia exosculamur, 'eam tamen vacuas membranas multo mallemus occupasse.'

A handsome work, published at Milan in the year 1815, in 2 vols. 8vo, bearing the title, 'M. Cornelii Frontonis Opera inedita, cum Epistulis item ineditis Antonini Pii, M. Aurelii, L. Veri et Appiani, necnon aliorum veterum fragmentis, invenit et commentario prævio notisque illustravit Angelus Maius,' is another proof of the industry of the learned editor. This manuscript was also in the Ambrosian Library; it is a Palimpsest, and the latter writing was a part of the history of the Council of Chalcedon; it was unhappily much damaged, and is altogether in a very imperfect state. The editor thus expresses his joy at the discovery, 'O præclarum antiquitatis studium, commemorandasque Bibliothecarum divitias! quæ doctorum Cæsarum sapientissimum, oratorem summum, gravem historicum, philosophum perfectum, grammaticum castigatissimum, epistularum ludicrorumque scriptorem politissimum, Latinæ Græcæque litteraturæ auctorem egregium, miserrimo excidio jamdiu ereptum, cælesti nunc munere in lucem reducunt!' The '*commemorandæ Bibliothecarum divitiæ*' are found in England, as well as in Milan, but the '*præclarum antiquitatis studium*' is unfortunately wanting. The prefatory commentary is written in a lively style; it is copious and interesting, and highly honourable to the learning and industry of the editor. Fronto was a very voluminous writer, and composed works on various subjects, amongst which we find enumerated '*Invectiva in Christianos.*' He was considered to hold the next place in eloquence to Cicero; though his style was very different; for he is said to have united the '*siccum*' and the '*grave*,' which was then esteemed a wonderful union. We must take these words, we suppose, in a learned and unusual sense, for, according to the unlearned and usual meaning, dry and heavy speakers are common enough, even in these degenerate days. Fronto was equally skilled in Greek and Latin; there are several of his Greek epistles in these volumes, the first of which is addressed to M. Aurelius, and is on a very extraordinary subject. The writings of so remarkable a person would be in themselves interesting, but they become doubly curious from having been thus marvellously rescued from destruction. As a specimen, therefore, of the style of Fronto, we select the fragment of an oration, entitled, '*de Testamentis transmarinis.*' The learned editor supposes, in the preface, that it had been ordered by an imperial decree, that all wills made in the provinces should be brought to Rome unopened; it being the custom, as is well known, to seal up a will at the time of making it, and not to open it until the

death of the testator; and he cites, although with some doubt, the Code of Justinian, l. 6. tit. 23. leg. 18. as repealing this supposed law in these words, 'Testamenta omnia, &c., in eodem 'loco reserventur, nec usquam permittatur fieri ulla translatio.'

Fronto argues thus—

'Tuis autem decretis, Imperator, exempla publicè valitura in perpetuum sanciuntur. Tanto major Tibi vis et potestas quam Fatis adtributa est! Fata quid singulis nostrum eveniat statuunt; Tu, ubi quid in singulos decernis, ibi universos exemplo adstringis. Quare si hoc decretum tibi, Proconsul, placuerit, formam dederis omnibus omnium provinciarum magistratibus, quid in ejusmodi causa decernant. Quid igitur eveniet? Illud scilicet, ut Testamenta omnia, ex longinquis transmarinis provinciis, Romam ad cognitionem tuam deferantur. Filius exheredatum se suspicabitur? Postulabit ne patris tabulæ aperiantur. Idem filia postulabit, nepos, abnepos, frater, consobrinus patruus, avunculus, amita, matertera, omnia necessitudinum nomina hoc privilegium invadent, ut tabulas aperiri vetent, ipsi possessione jure sanguinis fruantur. Causa denique Romam emissa, quid eveniet? Heredes scripti navigabunt, exheredati autem in possessione remanebunt, diem de die ducent dilationes petentes, fora variis excusationibus trahent. Hiems est; et crudum mare hibernum est; adesse non potuit. Ubi hiems præterierit, vernæ tempestates incertæ et dubiæ moratæ sunt. Ver exactum est? Æstas est calida, et sol navigantes urit, et homo nauseat, aut volnus sequitur: poma culpabuntur, et languor excusabitur. Fingo hæc et comminiscor, quia in hac causa nonne hoc ipsum evenit? Ubi est adversarius, qui jampridem ad agendam causam adesse debuerat? In itinere est. Quo tandem in itinere? Ex Asia venit. Et est adhuc in Asia. Magnum iter et festinatum. Navibusne, an equis, an diplomatibus facit hæc tam velocia stativa? Proposita cognitione rursum a te duum mensium petitur dilatio. Duo menses exacti sunt? Idibus proximis et dies medii isti aliquot. Venit tandem? Si nondum venit, saltem adpropinquat; si nondum adpropinquat, saltem profectus ex Asia est; si nondum profectus, at saltem cogitat. Quid ille cogitet aliud, quam bonis alienis incubare, fructus diripere, agros vastare, rem omnem dilapidare? Non ille ita stultus est, ut malit venire ad Cæsarem, et vinci, quam remanere in Asia, et possidere. Qui mos si fuerit inductus, ut defunctorum testamenta ex provinciis transmarinis Romam mittantur, indignius et acerbius testamentorum periculum erit, quam si corpora huc advehantur eorum qui trans maria testantur. Num his quidem nullum ferè gravius periculum superveniet? Sepultura cadaveribus in ipsis injuriis præsto est. Sive maria naufragos devorent, sive flumina præcipites trahant, sive arenæ obruant, sive feræ lacerent, sive volucres discerpant, corpus humanum satis sepelitur ubicumque consumitur. At ubi testamentum naufragio submersum est, illa demum et res et domus et familia naufraga et insepulta est. Olim testamenta ex Deorum munitissimis ædibus proferebantur, aut tabulariis, aut lucis, aut archiis, aut opisthodomis. At jam testamenta prope—'

There is much spirit, singular perspicuity, and a remarkable

correctness, in the style of Fronto; but the sober critic will sometimes perceive something of the pertness and prettiness that marked the era of the decline of letters. The autumnal tint is visible on his Latinity, which wants the full verdure of the Augustan age. It is a whimsical piece of adulation to say, that the decrees of the Emperors are more powerful than those of the Fates, because the latter are never drawn into a precedent! The decisions of the Barons of the Exchequer at Westminster have the same mark of power, being sometimes cited as authorities, at least in the Court in which they were pronounced.

The considerable Fragment of *Cicero de Republica*, having been reprinted in England some years since, is too well known to require any description; but a few remarks occur to us respecting this remarkable work, which it may be proper to communicate. This also was one of the manuscripts that were brought from Bobio; it was removed to Rome with some others, the greater part was taken to Milan, and the remainder are now at Turin: from the two former divisions the inquiries of Angelo Maio have derived some benefit: but we naturally ask with some anxiety, whether those which were taken to Turin have been examined? It is true that these manuscripts are of great value and antiquity, but there is no reason whatever to suppose, that that monastery had a monopoly of Palimpsests; we know indeed with certainty, that there are many others in existence, which are equally worthy of attention.

The more modern writing on this particular parchment consisted of the Commentary of St Augustine on some of the latter psalms; the manuscript was in excellent order, the characters large and plain, and of the leaves that remained, there was scarcely any page that could not be satisfactorily made out; but many pages were wanting, and we have reason to fear that this calamity will too often occur in future discoveries, because the work last inscribed may not be co-extensive with the former; because the volume having been taken in pieces in the course of erasure, the whole of the leaves containing the original writing may not have been put together again, some may have been applied to other purposes, and leaves, taken from other works, or of new parchment, may have been inserted. Yet we may hope sometimes to find perfect works; as when the writer prepared the parchment, and executed the erasure himself, and this might often happen in remote and solitary situations. A person, too, might have sometimes no other design than to make for himself, or his convent, a blank book, to be applied to any future purpose that might occur, from the writings of an author, whom possibly he could not understand, or might not relish, or might

disapprove. Wherever the erasure was effected by a private person for his own use, we may hope that the ancient author will be found entire; wherever, on the contrary, it was the work of a manufacturer, of one who was a copyist, or a bookseller by profession, and who dealt largely in parchment, we have but too much reason to fear mutilation and omission.

In the learned preface to his edition of the dialogue *de Republica*, in order to demonstrate the great antiquity of the practice of making Palimpsests, Angelo Maio cites part of a letter from Cicero to Trebatius. It is conclusive for that purpose; and is still more important on another ground, as it greatly extends the land whence our harvests are to be reaped '——ut ad epistulas tu-'as redeam, cetera belle,' &c.—nam quod in Palimpsesto, lau-'do equidem parsimoniam : sed miror quid in illa chartula fue-'rit, quod delere malueris quam hæc non scribere; nisi forte tu-'as formulas. Non enim puto te meas epistulas delere, ut re-'ponas tuas. An hoc significas, nihil fieri? Frigere te? Ne 'chartam quidem tibi suppeditare?' *Ad Fam.* 7. 18.

The learned editor remarks, that he had only met with Palimpsest *parchment*, and that *paper* of every kind seemed to be unfit for such a purpose; and we may add, that it is perhaps possible to suppose, that the words '*charta*' and '*chartula*' were here used, in a general sense, to denote, not merely paper, but materials for writing of every kind, as they often are elsewhere. We are told, however, that one of two deeds of the 8th century, *on paper*, which had very lately been presented to the Vatican library, was manifestly a Palimpsest; '*quamquam prior scriptura* '*satis legi non potest*:' we are not informed, whether the infusion of galls had been applied to restore the writing, or whether the eye had been assisted by a good microscope. '*Quare super-*'*est*,' he adds, '*ut Palimpsestos quoque papyraceos eruditi scru-*'*tentur*;' this valuable discovery adds greatly to the extent of the field of our hopes; the source appears, indeed, almost inexhaustible.

Although paper of every kind (Cicero, of course, speaks of that, which was made of the papyrus, from its slight texture) is unfit for the purpose of erasure, yet, if the writing was in carbonic ink, it might be washed out; a wet sponge will remove entirely what is written with Indian ink; and it is plain to every one, who has ever amused himself by drawing in water colours, how easily and effectually paper may be washed clean in this manner. The word '*delere*,' perhaps, rather refers to washing off the ink, than to cleaning the paper by scraping or rubbing; '*spongiam parabis deletilem*.'

If the ink was in part vitriolic, as it is said it often was, or if

there was any iron in it by accident and without design, which sunk into the paper, the original letters might be restored by washing with the infusion of galls. It is a question for the chemist, whether iron enters usually into the composition of carbonic inks; and also, how small a portion of that metal will stain the paper with an iron-mould, which, although invisible, when the gum and carbon have been washed away, remains hidden in the substance of the page, and only expects the action of galls, to reappear, and to reveal secrets that have been concealed for more than ten centuries. An epigram of Martial will prove at once how ancient the practice was, how easy and how frequent.

> 'Pugillares Membranei.'
>
> 'Esse puta ceras, licet hæc membrana vocetur:
> Delebis, quoties scripta novare voles.'

Another very ancient Palimpsest was found in the Ambrosian Library by Maio, which contains all the comedies of Plautus, that have reached us, except four, and the title of one, which is lost, but unfortunately only the title, and a few imperfect lines; it is called '*Vidularia*.' The ancient writing is of great beauty, and is supposed to be of the time of the Antonines; the more modern is, it is conjectured, of the seventh century; it is a part of the Old Testament in Latin. Maio has picked out and published different readings, and about sixty unpublished lines, which are scattered through the different comedies. He has given us, for example, these spirited verses in a more perfect state than we have hitherto had them.

> 'Famem fuisse suspicor matrem mihi,
> Nam postquam natus sum, satur nunquam fui;
> Neque quisquam melius referet matri gratiam,
> Quam ego matri meæ retuli invitissimus.'
>
> Stichus, Act. I. sc. 5.

This, we think, is truly an important discovery, though not so much for itself, as for the reflections, to which it must give rise; for, if it is possible to stumble upon a Latin bible containing almost an entire copy of Plautus, until every bible in manuscript, and every other writing upon ancient parchment, or even paper, has been diligently examined, we cannot affirm positively, that any classical author is irrecoverably lost. Until that examination has been completed, we must not speak of the lost decades of Livy; we may only say, those parts of his history that have not yet been recovered,—which greatly softens the expression, and is full of good hope to all men, but is especially soothing to the anxious desires of the real lovers of classical literature. The consideration that there is no moment at which

such a discovery may not be made, ought to animate our inquiries. In scrutinizing the parchment, which contains the meagre chronicle, or forms the miserable statutes of some beggarly convent,—in the most exiguous and paltry volume, we may find, that the works of the most eloquent of historians are hemmed in and held in vile durance; that

'Pellibus exiguis arctatur Livius ingens.'

We cannot doubt that there are many Palimpsests in our public libraries in Great Britain; especially in the Bodleian at Oxford, which is very rich in manuscripts; no one, however, has taken the hint that Angelo Maio has given, and we greatly fear, that, of the resident Oxonians, no one ever will. All ancient manuscripts, however, that are public property, taking the word in the largest sense, so as to comprehend all universities and colleges, the libraries in episcopal palaces, and of chapters, and of all corporations lay and ecclesiastical, ought to be minutely examined by *public authority*. Those that contain ecclesiastical matters, as the writings of the fathers, sermons, psalters, missals, commentaries on the scriptures, whatever, in one word, is connected with the church, including canon law, will deserve especial attention; for in superstitious ages the lay scribe would feel less compunction in erasing a beautiful manuscript, if he was going to substitute some religious composition, and the monk would esteem it a laudable action, equivalent indeed to a conversion, to place sacred in the place of profane learning.

It is by no means impossible that the Oriental languages may sometimes have usurped pages that once contained Greek or Latin classics; a vast number of such writings came into the hands of Eastern nations, in Asia, in Greece, and particularly in Egypt, and at the taking of Constantinople. The greater part, no doubt, were destroyed; but some were probably preserved, to receive the ruder productions of the conquerors. It does not seem that any one has hitherto suspected that Oriental manuscripts may conceal such treasures; but it would be very desirable to ascertain, whether we may hope to gain any accessions from the East, especially as we may fairly suppose, that they would generally disclose Greek originals. Few Palimpsests have as yet been found in Greek; and yet the worshippers of ancient wisdom most fondly desire the restoration of Greek authors; whatever was most excellent in Roman literature being derived immediately, and frequently translated literally, from them. To recover the decades of Livy, that were long considered as lost, would be no inconsiderable prize; but we must acknowledge, that the Roman story was told more fully, more accurately, and more philosophically, though not so eloquently, by Greek writers. Greek historians might

be named, a single volume of whose works would be worth a prince's ransom; how greatly are the works of some of the lyric and satirical poets to be desired! but perhaps it is to the Greek theatre, that we should chiefly look for important acquisitions and the utmost perfection of the language. Numberless tragedies, which we have not yet regained, would complete the early and mythological history; the political and moral public and private history of more modern times is related in the most satisfactory and agreeable manner, in swarms of comedies of the old school.

> 'Eupolis, atque Cratinus, Aristophanesque poetæ,
> Atque alii.'

The two first-named writers have left only a few scraps; the third eleven comedies, which are a small portion of his pieces: the '*alii*,' a goodly band, are almost unknown; except that we may read some of their names, and the titles and subjects of their plays, in the collections of Archæologists. The enterprise, and it is one of no small glory, of rescuing these writers from superincumbent homilies, and inundations of lives of the Eastern saints, or from overwhelming piles of tedious offices, and the long services of the Greek church, is doubtless reserved for some public-spirited scholar. The libraries of the monasteries in Greece, and of the Eastern Christians, have already been searched for manuscripts that are obviously valuable; and although they are said not to contain any that are of value *primâ facie*, yet, as they have many devotional works, which have not been examined with a view to ascertain whether a lower stratum of writing exists beneath the sterile surface, and whether it contains a vein of noble or of base metal, and as there must once have been a good store of the best books within the limits of the Turkish empire, it is very fit that the search should be resumed, with better hopes of success. It would be desirable also to learn what ancient manuscripts are preserved by the Greek church in Russia. The more ancient diplomas and various legal documents, that are in existence in the different countries of Europe, may occasionally discover, on close inspection, vestiges of more ancient and more instructive, at least of more agreeable contents.

The number of manuscripts in Spain, and her vast mass of archives, have long been equally famous; we may expect therefore to find Latin authors in that country; and although we are used to rail against the ignorance, superstition, and barbarism, of that nation, it may notwithstanding be less difficult to obtain access to such collections there, than in some parts of Great Britain.

Frightful havoc was committed, in the Protestant parts of Eu-

rope, at the reformation. The huge volumes which contained the ancient services, and abounded in all the churches and monasteries, were destroyed without mercy, ardently and enthusiastically. Many of these had been brought directly from Rome, where a great manufactory of such works had always subsisted. In the days when these books were transcribed, it must have been considered an act of piety to erase almost any writings whatever, and to substitute these sacred offices. The very nature of these books, too, induces us to believe, that much *ancient* parchment must have entered into their formation. An immense volume was laid upon the '*lutrin*,' or reading desk, in the middle of the choir, and the letters and musical notes, which accompanied the words, were of such an enormous magnitude, and so black, that they could be read by the canons, as they sat in their stalls, at as great a distance, and with as much ease, as an inscription on a monument. The letters in ancient manuscripts being of moderate dimensions, would therefore interfere but little, even if the erasure was imperfect, with the colossal characters that were placed over them. These ponderous volumes lay unmolested on the desk, or at the utmost were only carried to the adjoining sacristy, and were a part of the furniture, and almost of the fixtures, of the churches; they were exempt from injury and accident, and were frequently therefore of great antiquity, and had been constructed in very remote times, when manuscripts of value were plentiful.

The heart of the scholar who considers these things, must sink within him as he reads some of the enactments of statutes which enjoin the destruction of Popish books, and mourns over the chances of discovery, that we have lost by such indiscriminate destruction. But similar volumes still exist in many countries of Europe, and deserve to be investigated with critical scrutiny. It has been suggested, that it may perchance prove eventually, that we owe the preservation of many a classical work to the practice we are disposed to execrate, of erasing the ancient characters, and substituting newer compositions. In the dark ages of bigotry it is possible, that the productions of heathen writers might have been destroyed through intemperate zeal; and it is at all events most probable that they would have been suffered to perish, because they were neither used, nor valued: But the parchment, being converted, or at least convertible, into breviaries and lives of the saints, and other similar works that were in vogue, was on that account alone carefully preserved. Many temples have in like manner been saved from ruin by having been consecrated as churches; and various works of art have been rescued from the hands of barbarians by being placed in them, and having as it were enjoyed the benefit of sanctuary. It

is notorious, that an ancient and much-visited statue of bronze was preserved, by the conversion of Jupiter himself to Christianity; by taking the thunderbolt out of his hand and forging it into keys, and by baptizing the convert by the name of Peter. We shall have reason to rejoice in the protection that religion may thus have afforded to learning, if the industry and success of a new race of editors are equal to the anticipations which it is not unreasonable to form, on considering the evidence to which we have now been referring.

Before we terminate this branch of the subject, we will briefly enumerate some other additions, that Angelo Maio has made to our possessions; it is not pretended to give a full and exact catalogue, but merely a general summary, and principally in order to show how much may be done when a librarian can bring himself to believe, that he has other duties to perform besides locking up his books. Most of the publications we are about to mention are from manuscripts of the ordinary kind, but which had never before been published, and therefore ought properly to have been noticed where we spoke of the advantages which we may still hope to derive from the first source; but for the sake of convenience we name them here. He has published a splendid work containing 58 very ancient pictures, or illuminations, with the passages from the Iliad, which they illustrate; it is, however, chiefly attractive to the scholar from the long and interesting proemium, and a large collection of unpublished scholia on the Odyssey. Orations of Isæus, Themistius, Isocrates, and Symmachus; works of Porphyry, Philo, Eusebius, and others, have been either greatly augmented, or are entirely new, and have first appeared in consequence of his researches; besides many smaller, but curious fragments; and he has published, from Palimpsests, commentaries on Virgil and the Gothic Ulphilas. He has also made a valuable volume of unpublished fragments of the lost books of the Roman antiquities of Dionysius Halicarnassus: And, finally, he has published from a Palimpsest a fragment of a Jurisconsult, who is supposed to have lived before the days of Justinian, in company with some unpublished rhetorical and grammatical works; and more recently several other unpublished manuscripts consisting principally of ecclesiastical matters.

There is a pleasant vivacity, a certain ingenuous simplicity, and an absence of much that is offensive in affectation, in the Latinity of Angelo Maio, which would compensate for many more inaccuracies than the most fastidious critic can find in it. His style is somewhat ambitious; but that is a common vice in modern times. If we compare him with the few of the clergy of

England, who descend into the arena of letters, his attainments will appear truly respectable, and will lead us to suspect, that education is on a better footing in Italy, and more efficient, as perhaps in truth it is in every country of Europe, than in England. But it is time to hasten to the Institutions of Gaius: The learned editors, in seventy pages of prefatory matter, give an ample narrative of the discovery of this very extraordinary Palimpsest. We will abridge it so far as it is intelligible; for a great desire to make every thing more than clear has induced some obscurity:—an error not uncommon with persons who use the same language with these very learned and most laborious editors.

It is generally known, that the library of the Chapter of Verona has long been famous for the number and excellence of the manuscripts which it contains; it is remarkably rich in those that relate to jurisprudence. The celebrated Scipio Maffei, in his work, entitled, '*Verona Illustrata*,' which was published in the year 1732, gives an index of all the manuscripts, and speaks of one leaf of parchment, treating '*de Præscriptionibus et Interdictis*,' and of two other leaves of parchment, briefly in these words: 'Piu carte lacere e sciolte d' antico majuscolo, una delle 'quali par fosse d' un codice delle Pandette, ed altra d' un' opera 'd' antico Giurisconsulto; quai codici, se si fossero conservati, 'niente si ha in tal genere, che lor si potesse paragonare.' These three leaves were afterwards bound in a small volume, that was composed of fragments of different manuscripts. The same Maffei, in his '*Istoria Teologica*,' treats more fully of these fragments, and gives extracts from both the treatises, and also a *fac-simile* of the characters; a part of this specimen was republished in the '*Nouveau Traité de Diplomatique*,' of which, however, with the common courtesy that the Germans use towards the French, the editors say '*minus accurate*.' Of the many weaknesses we find in the Germans, perhaps the most striking is the opinion that seems to prevail throughout their land, that the quarrels of the Kings and Emperors of France, with the Kings and Emperors of Germany, are of sufficient importance to disturb the tranquillity of men of letters. These three leaves of parchment, as they well might be, were soon almost forgotten, even in Germany, where all out-of-the way things are remembered, and those matters only, which are obvious, are consigned to oblivion! The editors, however, phrase this differently. They were forgotten, say they very modestly, '*in Germania saltem*,' as if it were certain that the British, the Laplanders, and the Turks, and all the people on the outskirts of Europe, could talk and think of nothing, day and night, but the three scraps of parchment at Verona; which, by some strange chance, were forgotten in the interior. In the

year 1816, however, the illustrious Haubold revived the recollection of them, even in Germany, by printing at Leipsic a treatise, entitled, '*Notitia Fragmenti Veronensis de Interdictis.*' In the same year, Niebuhr, in passing through Verona on his way to Rome, charged to represent the successor of the great Frederic of Prussia at the court of the successor, as many will warmly maintain, of St Peter, visited the library of the Chapter. It seems probable, that the learned editors intended to have said, that his excellency was moved by the tract of Haubold, or, perhaps, was even induced, by his express instance, to examine these fragments; but if they meant to have said this, they have omitted to say it. It is related, however, that in the two days which Niebuhr passed in Verona, he took a more complete and accurate copy of the fragment '*de Præscriptionibus et Interdictis,*' and transcribed also the other, treating '*de Jure Fisci.*' If this had been all, the labours of the two days, however meritorious, would, perhaps, have been soon forgotten also, even in Germany; but he fortunately examined a manuscript, which had formerly been numbered XV, but then bore the No. XIII, and which contained some of the epistles of St Jerome. Maffei had remarked, that this manuscript was a Palimpsest; but neither he nor Masotti had published that fact to the world in any printed work, nor did they know the subject of which the former writing treated, nor does it appear that they had attempted to decipher it.

There is in this library a written catalogue of the manuscripts, which was composed by Maffei, and was corrected and completed, in the year 1788, after his death, by Antonio Masotti. This catalogue, amongst other observations concerning the manuscript, No. XIII, has these very remarkable and important words: 'Multæ ex chartis codicem alium constituerant. Dilutis siquidem anterioribus literis ac deletis, quæ nunc cernuntur superinductæ sunt; *quod et in aliis codicibus animadverti pluries,* primæ scripturæ satis se prodente vestigio, ac si antiquitus adeo infrequentes occurrerent ovinæ pelles, ut nisi alterius interitu novus liber oriri non posset.' We should suppose, that every scholar who reads these words would instantly break out with the exclamations, 'Who observed this often? Maffei or Masotti? Did he commit his observations to writing? Where are they to be found? Where were the manuscripts in which the vestiges of the former writing appear, and where are they now to be met with?' If a stranger were to assert, in any company of learned men, that he had seen many manuscripts in Latin and in Greek, of very great antiquity, of which the contents were unknown, he would be, as it were, mobbed and hustled, until he disclosed the place where he had seen these trea-

sures! But we do not take an equal interest in Palimpsests; although they are nearly as precious as untouched manuscripts; perhaps because the subject is new, and it takes some time to impress upon our minds the importance of a novelty.

The written catalogues of libraries are well worthy of attention, because in them manuscripts are frequently marked as Palimpsest; not because the compilers of catalogues entertained any hope that the original writing would ever be deciphered; for, before the use of galls for this purpose, an expedient first resorted to for the restoration of writings faded through age, it was deemed impossible; but the circumstance was mentioned only as tending to describe and identify the manuscript, as well as various other minute peculiarities, which are usually enumerated. To return to Niebuhr, he examined the manuscript, No. XIII, and soon perceived that the more ancient writing contained the work of some old Jurisconsult; he, moreover, applied the infusion of galls to folio 97, and thereby so successfully restored the characters, that he was able to transcribe that portion. He communicated his discovery to the very learned V. Savigny, and with his assistance published the specimen in a periodical work, together with an ingenious commentary, in which he endeavoured to show, that the manuscript contained the Institutions of Gaius, and that the fragment '*de Præscriptionibus et Interdictis*' formed a part likewise of that work. To gratify the liberal curiosity and honest desires of the learned, the Royal Academy of Sciences despatched from Berlin the two editors whose names appear in the titles we have prefixed, that they might complete the working of the mine which Niebuhr had happily opened. They arrived at Verona at the end of May, in the year 1817: And thus report their proceedings: 'Itaque Mense Maio anni 1817, Berolino profecti, sub mensis finem, Veronam venimus. Cum tamen ea sit Bibliothecæ Capitularis legibus instituta ratio, primum, ut codicis alicujus domum auferendi nemini unquam venia detur; deinde ut Bibliothecæ scrinia publicis usibus unam, tantum singulis diebus horam patere soleant: illud nobis ante omnia curandum erat, ut diutius in Bibliotheca commorandi facultatem nancisceremur:' When we thus find, that nearly a month was consumed in obtaining permission to remain longer than an hour daily in the library, we shall think, that the dedication by the Royal Academy of Sciences to the Chapter of Verona, is conceived in language, which, to say the least of it, is sufficiently civil. It is, however, prudent in all cases, to oil the wheels well; and we must not forget, that they required also to be permitted to apply the infusion of galls to the manuscript, and most probably to take it in pieces. Having obtained the per-

mission they desired, the editors commenced their task; the place of Bekker, who was compelled by other literary occupations to relinquish that duty, was supplied by Professor Hollweg, who had volunteered his valuable assistance, and the manuscript was transcribed almost entirely; somewhat less than one-ninth part of the whole alone, being found unreadable. On their return, the transcript was submitted to the Royal Academy; and although it was evidently desirable that the copy should be again collated with the manuscript, especially as the effect of the galls in restoring the ancient writing is wonderfully aided by time, yet, to satisfy the curiosity of the learned, and the expectation of '*antiquæ jurisprudentiæ cultores,*' the Academy wisely determined to publish immediately such an edition as they were able, and at the same time to make preparations for a more perfect one. Gaius accordingly first appeared at Berlin in the year 1820.

The learned editors give a curious and ample description of the manuscript. It consists of 127 leaves: the latter writing is in uncial letters, and is of considerable antiquity; it contains some of the works of St Jerome, chiefly his epistles, of which there are 26; traces of the former writing were observed throughout nearly the whole volume. The ancient writing is of two kinds; the one is remarkable for its antiquity and elegance—it extends through the whole manuscript, and is that in which the Institutions are written; the other kind is intermediate, that is, it is written *over* the most ancient, but *under* the last. It had superseded Gaius, therefore, but yielded in its turn to the present occupier of the parchment; so that a fourth part of the manuscript has been *thrice* written upon, the contents of that part have been twice erased, or, according to the etymology, it has been thrice rubbed or polished—once in its virgin state to fit it for the reception of Gaius; a second time to prepare it for St Jerome, the intermediate writing also consisting of his epistles and other works; and finally, a third time, after this intermediate writing had been removed, that other works of the same holy father might be inscribed! The intermediate writing is in uncial letters also, but it is inferior to the most ancient and original characters, in which Gaius is preserved, in elegance, and very nearly approaches the last, and greatly resembles it. It is satisfactory to find that many of the pages which had been written upon *thrice* are amongst the most complete; and as the lines were always placed immediately upon one another and on the same part of the parchment, the difficulty of deciphering the original writing was often very considerable, in consequence of the confusion of the letters, which were entan-

gled together and intermixed; a more unfavourable case, therefore, could hardly exist. In the course of these successive erasures, the order of the leaves was necessarily greatly disturbed; their confusion is very clearly explained. The characters are thought to resemble those of the most famous manuscript in the world—the Florentine Pandects, except that they are said to be more handsome, and that abbreviations, which are extremely rare in the Pandects, are very abundant in Gaius.

The original manuscript is not entitled in any part; so that the burden is cast upon the learned editors of proving that the ancient characters, which they have copied with so much pains, do in truth contain those celebrated Institutions. The general presumption is certainly against them; for German critics are equally apt to believe, and to disbelieve, injudiciously; to be strangely credulous, and whimsically sceptical. All men, therefore, of cool judgment, who have had any experience in Teutonic theories, Teutonic discoveries, and Teutonic crotchets, and have thus been forced to speak paradoxically of a paradoxical people, and to say that the most ingenious, veracious, and sincere nation in the world are the least to be believed or confided in, will be apt to cling, with some obstinacy, to the notion, that whatever the Germans have demonstrated, with much erudition, and unanswerable arguments, must be, in very truth cannot be. In order to rebut the presumption that arises against the genuineness of the Institutions, from the fact of Niebuhr, V. Savigny, and a host of most illustrious and deeply learned critics, believing them to be genuine, the editors bring three arguments: First, they assert, that there is a remarkable agreement between these Institutions and those of Justinian, which are known to have been chiefly derived from them; it not being so great, however, as to induce the supposition that these are little more than a mere copy of the others, particularly since these contain, as they affirm, a great number of the rules of the more ancient law, which are omitted in the imperial Institutions, as being inapplicable to latter times. Secondly, they assert, that if the present work be compared with the epitome of the Institutions of Gaius, which was made by the authors of the *Breviarium Alaricianum*, it will appear manifestly to be the source whence that epitome was derived. Thirdly, and it is upon this argument that they mainly rely; they say, that in this work are to be found nearly all the passages that are cited from Gaius in the Pandects and the '*Collatio Mosaicarum et Romanarum Legum*,' and also by Boëthius and Priscian; a list of these passages is subjoined. To enable the reader to decide upon this difficult question, it would be necessary to enter into a minute and detailed examination of

the several passages which are adduced, and this would evidently be foreign to our present purpose. The learned editors, however, are quite satisfied with their proofs; and thus express their firm conviction;—'Quæ cum ita sint, nulla relinquitur dubitatio, quin membranæ nostræ genuinas Gaii Institutiones offerant; neque tamen illas integras, ut ex eo quod proximè monui apparet. Unde nunc diligenter inquirendum est, quanta primitivi codicis pars deperdita habenda sit.' They decide that three leaves only are wanting; but as they speak only of those cases where the leaf itself is actually absent, without noticing that several pages are nearly illegible, although the parchment on which they were written is corporeally present, and that there are many *lacunæ*, we take it to be certain that we cannot read one-sixth, or perhaps one-fifth part of the whole work. It is creditable to the literary curiosity of Germany that the first edition was immediately sold off. Bluhm paid another visit to Verona, and examined the manuscript with great care; and the fruits of his labours appeared in the edition which was published in 1824. The fragment 'De Jure Fisci' is a wretched scrap.

As to the age of the original manuscript, Niebuhr gave his opinion early, that it was older than the time of Justinian; Kopp, of whom we have before spoken, was of the same opinion, and wrote upon the subject; and alleged his reasons, which are these:—First, the form of the letters, and the nature and frequency of the *Tiglæ*, with which we may suppose that he is familiar. Secondly, '*Quod initialis cujusque paginæ littera, licet in medio aliquo verbo collocata, reliquis major esse deprehenditur.*' This practice resembles that which is observed in engrossing our deeds, except that the scribes of those days were content to enlarge one *letter* to show that it was the first of the page, and that nothing was wanting; while in our deeds the whole of the first *word* of each skin of parchment is made of a larger size than the rest, although it be but some insignificant conjunction, as *but, and, also*. Thirdly, he does not think it probable that, after the time of Justinian, any one would take the trouble to make a copy of the Institutions of Gaius, which were superseded by those of the Emperor. Of the first and second reasons skilful diplomatists will judge; the last argument is refuted by the anxiety of the learned Prussians to procure a transcript, under circumstances of extraordinary difficulty. A third edition of Gaius appeared at Leipsic in 1825, without the notes of Goeschen, and the modern orthography has been adopted in place of the ancient, which was religiously retained in the editions of Berlin.

As to the French version, the translator informs us that Gaius was somewhat late in attracting attention in France. In that country learned lawyers were once abundant—at present they are very scarce. When the priest was dislodged, the soldier took his place, and if things were somewhat improved on the whole, they were not so much better as sanguine persons had hoped they would be. M. Boulet speaks with extreme diffidence of his expectations from the scholarship of his countrymen. ‘J'ai tenté de traduire ces Commentaires, parce que j'ai ‘cru que c'étoit le meilleur moyen de les répandre; non que je ‘pense que jamais une traduction puisse tenir lieu du texte: à ‘Dieu ne plaise! Il serait, sans doute, à desirer que les éleves ‘n'eussent pas besoin de ce secours; mais toujours il est vrai ‘que, pour ceux qui ne sauraient s'en passer, il vaut mieux qu'ils ‘étudient Gaius, non dans la traduction, mais au moyen de la ‘traduction, que de ne pas l'étudier du tout.' He has accordingly printed the Latin text on the left hand, and the French version on the right; and produced a work, the aspect of which brings to mind the unpleasant remembrance of those editions of some of the easier Latin classics that have been put forth by dissenting schoolmasters, and other masters of private academies, as stumbling-blocks and impediments thrown down in the path of learning. The notes of the translator are small in bulk, and trifling and unimportant in substance.

It has long been a vexed and vexing question, who Gaius was, and when he lived? The learned person, who has considered the subject most fully, decides, that he was born under Adrian—that he began to write at the end of the reign of Antoninus Pius—that he was most famous under M. Aurelius—and very probably died under Commodus. Perhaps the best account of him is given by the admirable and exquisite Gravina, who sums up all that is known of him in two words:—‘Scripsit autem ille, ‘*quisquis fuerit*, institutiones, unde suas magnam in partem de-‘promsit Justinianus,' &c. The only satisfactory biography of this jurisconsult, although the Germans will not believe it, is ‘*quisquis fuerit*.' Justinian acknowledges his obligations to him, in speaking of his own Institutions in the Proem, thus:—‘*Quas, ex omnibus antiquorum Institutionibus, et precipue ex Com-‘mentariis Gaii nostri, compositas*,' &c.

It is not to be denied that the recovery of this work is an accession of some value to the remains of ancient jurisprudence; but we had rather, in common with all who are inquisitive as to such matters, that we had recovered the writings of some jurisconsult who flourished under the republic, and wrote before the laws of a great and free people were polluted by the intermixture

of imperial constitutions, of which so large a part of the body of the Code, and even of the Pandects, is composed. That such works were not wanting we have abundant proof; one high authority will suffice: Cicero, writing to a lawyer, asks—'Num jus 'civile vestrum ex libris cognosci potest? qui, *quamquam plurimi* '*sunt*, doctorem tamen, unumque desiderant.'—Ad. Fam. vii. 19.

We have discoursed fully, and perhaps somewhat tediously, of the Palimpsests; because we are deeply impressed with a sense of the paramount importance of the subject, and are convinced, that the accessions which ancient literature may derive from this source are without limit. We are placed, as it were, by this discovery, on a vast plain, which has no bounds; and although the horizon may seem to our senses to circumscribe and intercept the prospect on all sides, yet, on which side soever we advance, the apparent obstacle to our vision is removed, and our view is extended. We shall be truly happy, if by any thing we have said, we shall invite or excite persons who have access to ancient manuscripts, to profit by their opportunities. Although we would not actually have it made a capital offence for any one to have in his possession or disposition a piece of ancient parchment, without being able to bring satisfactory evidence that it had been carefully examined, to ascertain whether it was a Palimpsest, because evil-disposed persons, through a dread of the penalty, might be tempted to destroy their parchments altogether; yet it is incumbent on all good citizens of the republic of letters, to use their utmost diligence to promote and facilitate these interesting discoveries. It would be a commendable thing to collect together all the Palimpsests that have hitherto been discovered, and that are scattered in different volumes, which are expensive, and not easily procured in Great Britain, and are swollen to a great bulk and cost by annotations and disquisitions, which, though useful, are of less value than the text, and to print the unadorned text, without note or comment, in a small and cheap form, and thus, by showing at one view what has actually been done, to hold out the most powerful encouragement to future exertions.

It is not to the present purpose, nor would time permit us, if it were, to state our reasons for lamenting, that the study of the Civil Law is so much neglected in the British empire. To know the value of this study, and to be able to appreciate its importance, is alone an advance in civility and knowledge. The lawyers of England have hitherto led, like the Chinese, a grotesque and unsociable life, and have refused to hold communication with, or to receive instruction from, other nations. The spirit of improvement, however, is now abroad; and the desire of

amendment, and the conviction of its necessity, daily gain ground, and are rapidly overcoming the resistance which bigotry and the self-satisfaction of ignorance would oppose to them. If the new edifice is to be erected on a solid foundation, it is absolutely necessary to understand thoroughly the only system of law which is entirely free from the feudal taint that has infected all the rest. A good style, that we may adduce one argument only in favour of the Civil Law, and omit all others, is so intimately connected with more solid merits, that if we lay aside all other considerations, and take this as the test, and compare the hideous barbarisms and monstrous tautology of an English act of Parliament, or conveyance, with the graceful and perspicuous brevity of the Roman lawyers, we shall appear to ourselves, however mortifying the acknowledgment may be, to contrast the lowest state of mental degradation, with the highest elevation and utmost perfection of the second best gift, reckoning reason as the first, that has been bestowed on man; so supremely excellent were they in speech. All the praises that can be accumulated in words have been heaped up to exalt the glories of the diction of the best ages of Roman jurisprudence; and the whole sum of panegyric is indeed prodigious; but no one, who is familiar with their Demosthenean vigour and frugality, and their oracular dignity of style, will refuse to these sages any portion of the splendid eulogy, which an ardent, but most judicious admirer pours forth with an eloquence not unworthy of the occasion: 'Nec minorem illi Justitiam in verbis, 'quam in rebus adhibuerunt, aptè vocibus utentes, nativasque 'sedes illis attribuentes, Diisque ipsis dignum orationis genus 'usurpantes.

'Quo solo scribendi genere non modo Jurisconsulti præstant 'Latinis cæteris, verum et Latini antecellunt Græcis: qui, ut 'omnia eloquentiæ genera et invenerint, et ad summum perduxerint, Jurisconsultorum tamen Romanorum, sicuti scientia, ita 'et stylo caruerunt. Habuerunt enim Nostri majestatem sine 'luxu, fastum sine pompa, supercilium sine rusticitate, splendorem sine fuco, sine horrore vetustatem, parsimoniam sine 'macie, sine caligine brevitatem: ac, præ ceteris, melius elegantiam cum simplicitate, cum decore proprietatem, et oraculorum 'sanctimoniam blande cum perspicuitate conjunxerunt.'

Art. IV.—1. *An Act in Alteration of the several Acts Imposing Duties on Imports into the United States, subscribed by the President*, 19*th May*, 1828.

2. *Papers relative to American Tariffs. Printed by order of the House of Commons*, 25*th July*, 1828.

3. *Report of a Committee of the Citizens of Boston and its Vicinity, opposed to a farther Increase of Duties on Importations.* Pp. 196. Boston, 1827.

We are truly sorry to observe the illiberal and narrow views which seem to characterise the proceedings of the United States, with respect to the commercial intercourse between them and other countries. It is a mistake, we find, to suppose that our House of Lords is the only depositary of the prejudices that pervaded the commercial legislation of Europe during the sixteenth and seventeenth centuries, and gave a peculiar and not very enviable distinction to the administration of Mr Vansittart, and Mr George Rose. The United States do not merely hold out an asylum for the proscribed liberties and virtues of the Old World; but have kindly taken the superannuated and exploded errors of the mercantile system under their protection. Were his Grace of Newcastle, and my Lords Malmesbury, Kenyon, &c. transplanted to the United States, though they might have to lament the want of close boroughs, the admission of Catholics to places of trust and emolument, and the non-existence of tithes, they might still console themselves on having escaped from the sphere of the free-trade system, of having got to a country in whose councils neither a Huskisson nor a Grant was to be found; and whose legislators held the science of Political Economy in as much contempt, and were as ignorant of its principles, as themselves. But if this be, on the one hand, matter of rejoicing to a few individuals amongst us, it is, on the other, a source of regret to all—and fortunately they form the great majority of the British public—who take a juster view of national interests, and who are anxious for the diffusion of liberal principles, and for the advancement of every nation that forms a part of the great commercial commonwealth.—We entertain no jealousy of America: If we did, we should hail the enactment of the late Tariff with unmingled satisfaction. But we disclaim any such feeling; and are convinced that none such is entertained towards her by any considerable portion of our countrymen. For our own part we are truly anxious for her prosperity; and being so, we cannot help lamenting the blindness of her statesmen, and regretting that they should have become so desperately enamoured of

a system of commercial policy unfavourable to the general interests of nations, and which cannot fail to entail the most pernicious consequences on those by whom it is adopted.

The restrictions on industry and the freedom of commerce that still exist in this and other European countries, had their origin in a comparatively dark and unenlightened age. That they have, in the majority of instances, been supported with a blind and bigoted obstinacy, is most true: but, at the same time, it must be conceded, that after an exclusive system has been long acted upon, and has, in consequence, become interwoven with the national institutions and the various interests of society, and given an artificial bias and direction to a large amount of capital and industry, its abolition becomes a work of no common difficulty; and a government may well be excused for pausing, before it proceeds to involve a considerable proportion of its subjects in distress and difficulties, even for the sake of a greater ultimate public advantage. But notwithstanding the formidable obstacles that thus oppose the return from a long-continued, artificial, and exclusive, to a natural and liberal system, it cannot be denied that, in Great Britain, at least, a very great progress has recently been made in this desirable course. The Apprentice laws and the Combination laws have been repealed; the Navigation laws and the old Colonial system have been greatly relaxed; moderate *ad valorem* duties have been laid on the importation of foreign Silks, and various other articles that were formerly prohibited; the Usury laws will hardly outlive next session; and the most oppressive of all our restrictions—that on the importation of foreign Corn—is now left without any one to defend it whose opinion is entitled to the least attention, and is supported only by the miscalculating rapacity and powerful influence of a majority of the landlords. That changes so extensive, and immediately affecting the interests of a large body of people, should have been effected with so little inconvenience, clamour, and opposition, as have been experienced, must be ascribed partly to the more general diffusion of sounder opinions, and partly to the discretion that has been displayed in the introduction of the new system. Mr Huskisson has not been more distinguished as a bold and extensive, than as a prudent and cautious reformer of our commercial code. It was not, indeed, to be expected that he could be the principal agent in such various and important changes without exasperating many individuals, and rendering himself the object of much calumny and abuse. But we arrogate very little of the prophetical character when we venture to predict, that when the factious brawls and wrangles of the day have been forgotten, it will be universally

allowed that the glory is due to Mr Huskisson, of being the first British Minister, whose whole system of commercial policy was founded on sound, liberal, and enlarged principles; and who laboured earnestly and successfully to promote the power, happiness, and glory of his own country, not by seeking to exalt her at the expense of others, but by opening her ports to the ships and goods of all countries, and making her the centre and animating principle of a vast commerce, founded on the gratification of the reciprocal wants and desires that subsist among nations.

The American Ministers had no such difficult task to perform. When *their* country achieved her independence, she was encumbered with none of those antiquated and vicious systems which had taken root in Europe during the Dark Ages. Her industry was perfectly free and unfettered—Her citizens were at liberty to pursue their own interest in their own way without any bias from government. They were in the very state which the researches of Dr Smith and other ingenious writers had shown was best calculated to forward the progress of a nation in the career of improvement. The real sources of national power and prosperity had been laid open—the exclusive system had been proved to be contradictory in its principles, and injurious in its results. It had been shown that England and France had not become rich and powerful in consequence, but in despite, of its operation; and the governments of both, under the guidance of their most celebrated ministers, Mr Pitt and M. Turgot, had begun to retrace their steps, to abandon the restrictive system, and to adopt one more in accordance with the spread of knowledge and the spirit of the age. In addition to all this extrinsic and foreign experience of the pernicious effect of monopolies and restrictions, the unprecedentedly rapid progress of America herself afforded the most satisfactory and convincing proof of the immeasurable superiority of a free system. She had advanced with giant steps in the career of improvement. The few ragged and needy adventurers who, little more than a century and a half before, had established themselves on the margin of a vast continent, overspread with almost impenetrable forests, and occupied only by a few miserable savages, three thousand miles distant from the dwellings of civilized man, had grown into a mighty people, possessed of strength sufficient to wrest, by force of arms, their independence from the warlike and powerful nation from whom they had sprung! All this had been achieved without the miserable aid of custom-house regulations and protecting duties; and it might have been supposed that so extraordinary a career would have satisfied even the most ambitious.

There were plainly, therefore, two conclusive and unanswer-

able reasons, why the Legislature of the United States should have abstained from the introduction of the restrictive system: In the *first* place, the researches of the philosophers, the confessions of the statesmen, and the experience of other nations, had proved that it was decidedly inimical to the advancement of mankind in opulence and population; and, in the *second* place, the Americans were not entangled in the web of existing restrictions and prohibitions, but had, under a free system, made an advance that had no parallel in the history of nations; and had therefore every motive to continue in the course on which they had fortunately entered.

But strange as it may seem, the best established scientific conclusions, the experience of all ages and nations, and their own progress, failed to convince the legislators of America of the expediency of pursuing that liberal line of policy, from the adoption of which they had already reaped so many advantages. Not satisfied with the progress they had already made, with the enjoyment of free and liberal institutions, and a boundless extent of fertile and unoccupied land, they resolved to call custom-house regulations to their aid! Mistaking the effusions of a few miserable pamphleteers, and the speeches of the Newcastles and Kenyons of the day, for the wisdom of the British nation, they persuaded themselves, that those very restrictions which had clogged and impeded our progress, had been the main causes of our advancement. Instead of dwelling on the advantages of free competition, their statesmen deemed it productive only of poverty and ruin. Mr Vansittart himself could not have descanted more eloquently on the advantages resulting from the adoption of protecting duties, bounties, and drawbacks; and those who doubted whether the prohibitive system would be so productive, in a pecuniary point of view, as had been represented, appear to have generally supported it, on the ground of its being necessary to the *independence* of the republic, that she should not have to rely on foreigners for supplies of necessary articles. Selfishness, patriotism, and ignorance, each lent its aid to the introduction of what has been pompously designated by its more ardent supporters, as the 'American system;' and, by a singular contradiction, the *regime* of prohibitions and restrictions seems now to be firmly established under republican auspices.

Among the supporters of the restrictive system in America, the first place is due to the late General Hamilton. His celebrated Report on the subject of manufactures was presented to the House of Representatives towards the close of 1791. It had a very great effect. It is written with considerable talent, and is well calculated to make an impression on those who have not

analyzed the real sources of wealth. A very slight examination is, however, sufficient to show the fallacy of the principles on which it is founded. General Hamilton dwells at great length on the advantages resulting from the establishment of manufactures—on the stimulus which they give to industry and invention, the ample field which they lay open for enterprise, and the great scope which they furnish for the exercise of the various talents and dispositions with which men are endowed. That all this, and much more, may be truly said in praise of manufactures, no one, with perhaps the exception of the Laureate, will presume to deny. But the point which General Hamilton had to consider, was not, whether the prosecution of manufacturing industry was, abstractly considered, advantageous, but whether it was for the advantage of the United States to *force* the establishment of manufactures, by imposing duties and prohibitions on the importation of manufactured goods from abroad? He has not, indeed, wholly overlooked this part of the question; but, as was to be expected, he has entirely failed to make good his view of the case.

That the great principle of the division of labour ought to be respected by states, as well as by individuals, is a doctrine too well established, to require us to say one word in its defence. The circumstances, too, under which America is placed, render it peculiarly incumbent on her not to lose sight of this principle. It is not easy to say what species of industry is best suited for most of the old settled and densely peopled countries of Europe, or which they may prosecute with the greatest advantage. Industry is, amongst them, in a state of perpetual oscillation; every new discovery in the arts attracting capital to manufactures, and every improvement in agriculture again drawing it back to the land. But this is not the case in America. There neither is nor can be any doubt about the species of industry which it is most for *her* advantage to prosecute. And it is admitted by General Hamilton, and has been admitted by all the subsequent advocates of duties and prohibitions, that were government to abstain from interfering to protect manufactures, none but the coarser and bulkier sorts could maintain themselves, and that agriculture would draw to itself most of the capital and industry of the nation. Nor is it difficult to perceive why this should be so. The most fertile lands of England, France, and most other European countries, have been long since exhausted; and we are now compelled to resort to soils of very inferior fertility, to obtain a part of our supplies of food. But America is in a totally different situation. She is still possessed of an almost unlimited extent of fertile and unappropriated land; and it is as obviously her interest to apply herself in preference to its

cultivation, and to obtain supplies of the finer sorts of manufactured goods from nations less favourably situated for the prosecution of agricultural industry, as it is the interest of the West Indians to apply themselves to the raising of sugar and coffee. The growth of raw produce *must,* for a long series of years, be the most profitable species of employment in which the citizens of America can engage. There can be no doubt, indeed, that those branches of manufacture, naturally adapted to her peculiar situation, will gradually grow up and flourish in America, according as her population becomes denser, and as the advantage which now exists on the side of agriculture becomes less obvious and decided. But to encourage, by means of duties and prohibitions, the *premature* growth of manufactures, is plainly to force a portion of the industry and capital of the nation into channels into which it would not otherwise have flowed, because it would, but for these duties and prohibitions, be less productively employed in them, than in those in which it was already invested.

Whatever, therefore, may be said with respect to the restrictive system in other countries, in America it seems to be destitute even of the shadow of an excuse. The advantages on the side of agricultural industry are there so very signal and obvious, that to attempt forcibly to draw capital from it to manufactures, is really to adopt that precise line of conduct which is best fitted to check the progress of wealth and population. But though the advantages on the side of agriculture were less obvious than they are, the policy of the American Legislature would yet be wholly indefensible. Let it be supposed, in illustration of the effect of prohibitions, that America has been accustomed annually to import a million's worth of woollens, or some other manufactured product, from Great Britain, France, or any other foreign country; and let it be farther supposed, that in order to encourage the manufacture of a similar article at home, she prohibits its importation. Now, in this case—and what is true of this case is true of all restrictions whatever—it is, in the *first* place, plain, that to whatever extent the home demand for the produce of American industry may be increased by the prohibition, the foreign demand for that produce will be equally diminished. Commerce is merely an exchange of equivalents; and those who refuse to import, really, by so doing, refuse to export. If America cease to *buy* a million's worth of produce from foreigners, she *must,* at the same time, cease *selling* to them a million's worth of some other species of produce; that is, she must cease sending to the foreigner the articles she

had previously been accustomed to export, to pay the articles obtained from him, that are in future, through the agency of the prohibition, to be raised at home. All, therefore, that she will accomplish by this measure, will be the transference of capital from one branch of industry to another. That equality of protection, to which all the citizens of the Union are justly entitled, will be encroached upon; the increase of one employment will be brought about by the depression of some other employment, which, to say the very least, was equally advantageous. But it is obviously false to affirm that such a measure can make the smallest addition to the capital and industry of the republic, or to the facilities for employing them with security and advantage.

This, however, is to look at the measure in the most favourable point of view. It is necessary, in the *second* place, to advert to the *price* at which the prohibited article will henceforth be sold. If the American manufacturers could have produced it as cheaply as the foreigners, the prohibition would not have been thought of, as the article would not have been imported. The price must, therefore, rise when its importation is prohibited. Instead of being obtainable as before for a million, it will henceforth cost, perhaps, a million and a half, or two millions. Now, it is obvious, that the effect of this artificial increase is precisely the same, as to its operation on the consumers, as if a direct and peculiar tax had, under a free system, been laid upon them of L.500,000, or L.1,000,000 a-year. But it will be observed, that had such a tax been laid on the consumers, its produce would have come into the hands of government, and would have formed a portion of the national income; whereas, the increased cost of the article is, under the circumstances supposed, *occasioned by an increased difficulty of production*, and is, therefore, of no advantage to any individual.

It consequently results, that, even in those rare cases in which a restrictive regulation has no tendency to raise the price of commodities, it is injurious by changing the natural distribution of capital, and lessening the foreign demand for the produce of industry to the same extent that it increases the home demand. But in that infinitely more numerous class of cases, in which a restriction is the cause of a rise in the price of the article which it affects, it is incomparably more injurious. Besides the injuries arising from varying the natural distribution of capital, and circumscribing the foreign trade of the country, such restriction has the effect of imposing a heavy burden on the people, for no purpose of general or public utility, but to produce a certain and grievous mischief, by tempting indi-

viduals to withdraw from really advantageous businesses, to engage in one that cannot be prosecuted without great national loss.

The truth of what has now been stated is very strikingly exemplified by what has actually occurred in America. The manufacture of Woollen goods is one which Congress seems to have been most anxious to promote. In 1790, an *ad valorem* duty of 5 *per cent* was laid, for the sake of revenue, on all woollen cloths imported into the republic. In 1798, after the restrictive mania had begun to gather strength, the duty was raised from 5 to 12½ per cent; in 1804, it was raised to 15 per cent; in 1812, during the war with England, it was increased to 27 per cent; in 1816, after peace had been restored, it was reduced to 25 per cent; and in 1824, it was nominally raised to 33⅓, but really to 38 per cent! This was pretty well; but it fell far short of what has since been effected. By the tariff recently passed, it is enacted, that all goods which have cost 50 cents, (2s. 1½d.) a yard, *or under*, shall be deemed to have cost 50 cents, and shall be charged with a duty of 45 per cent *ad valorem;* and it is farther enacted, that all goods which cost above 50 cents the yard, and not more than 100 cents, *shall be considered as costing* 100 *cents, or* 4*s.* 3*d., and shall pay a duty of* 45 *per cent on that sum;* so that every yard of cloth shall pay a duty of 45 per cent, and that which costs 51 cents, will be valued at 100, and will consequently pay a duty of 45 cents, or nearly 90 per cent! The whole iniquity of this regulation is not apparent at first sight:—For it is so devised as to press far more heavily on the lower and middle than on the upper classes. The price of by much the largest proportion of the cloth which the former make use of varies from 50 to 100 cents a yard; and while this is loaded with a duty varying from 90 to 45 per cent, or 67½ per cent at an average, superfine cloth, costing four dollars the yard, is only loaded with a duty of 50 per cent! The encouragement of smuggling and fraud seems also to have been a favourite object with the framers of this regulation; for they have so contrived it, that if an importer can, by falsifying his papers or otherwise, succeed in sinking the price of his goods from 51 to 50 cents, he will save 45 per cent of duty! This is outheroding old George Rose, and would, we are inclined to think, satisfy even Lord Malmsbury himself. Whether, indeed, there be any regulation equally iniquitous and absurd in the commercial code of Austria or Spain, is what we very much doubt; but, objectionable and vexatious as many of our custom-house regulations certainly are, still it is satisfactory to know that the very worst amongst them is fair and reasonable compared with the above.

The population of the United States is estimated, in a very able and detailed examination of the new tariff bill by a committee of the citizens of Boston and its vicinity, at 12 millions; and the value of the annual consumption of woollen goods is supposed to amount, at an average, to 6 dollars, or 25s. 6d. a-head, giving a total sum of about 72,000,000 dollars for the entire value of the woollens consumed in the Union. But if the duties were reduced, the cost of the woollens would also be reduced. It is estimated that, under the tariff of 1824, the various charges, including the duty of 38 per cent, the expense of freight and insurance, the profits of the importing and exporting merchants, &c. attending the importation of foreign woollens into the United States, amounted to full 57 per cent of their entire value. But referring for the present only to the operation of the duty, it is plain that it *must* have been paid before the woollens could be brought to market; and as they were imported in considerable quantities, notwithstanding its imposition, it is further plain, as has been previously remarked, that if it had been lowered or repealed, their price would have been proportionally diminished. But this is not the only fall that would have been occasioned by the reduction of the duties. The woollens manufactured in the United States sold in the market along with the foreign woollens charged with the duty of 38 per cent; and it is certain that they did not, quality for quality, sell cheaper; for had they done so, the foreign woollens would neither have been bought nor imported. On the whole, therefore, it is undeniable that the duty under the late tariff added 38 per cent to the cost of the whole woollens consumed in the republic, or made 27,360,000 of the 72,000,000 of dollars, which their aggregate value was supposed to amount to.

The value of the annual imports of woollens amounted, under the tariff of 1824, to about 9,000,000 of dollars. The gross amount of duty on this importation amounted to 3,420,000 dollars; by deducting this sum from the 27,360,000 dollars, which the duty added to the cost of the woollens consumed in the United States, the balance of 23,940,000 dollars is the net amount of the bounty, or *bonus*, which the American public were obliged to pay to their countrymen engaged in the woollen manufacture, to enable them to prosecute their business. (Report, p. 19.) And yet it appears, by the confession of the manufacturers themselves, that this immense *bonus* has been quite inadequate for their support. In any country not blessed with a legislature thoroughly embued with a love of all the contradictions and absurdities of the mercantile system, such a confession would have been reckoned equivalent to a declaration,

that the prospect of engaging, on any thing like equal terms, in a successful competition with foreigners, in the woollen manufacture, was as yet altogether visionary, and that the protection that had already been so unwisely given to the manufacturers ought to be gradually withdrawn. But Congress thought differently. They determined that the manufacture should be supported, whatever might be the cost. There was more, however, of apparent than of real generosity in this conduct: For, as we have already seen, the members of Congress thought proper to throw the additional expense of supporting the manufacturers principally on the lower and middle classes, having considerately discriminated the duties laid on the articles consumed by their own *caste*.

Besides the statements in the Report of the Boston Committee, on which the previous remarks are chiefly founded, we may observe, that a precisely similar view of the question is taken in the Report of a Committee of the House of Representatives, appointed to inquire into the state of the finances. The policy of the new tariff, then under consideration, was fully and ably discussed, and strongly condemned by this Committee. They state, that, in their apprehension, the effect of the proposed (now enacted) tariff, will be, to take millions from the income of the planting, agricultural, commercial, and shipping interests, to add hundreds of thousands to the income of the manufacturers and wool-growers—" In a word, that *the contemplated prohibitory duties will* DESTROY TEN TIMES AS MUCH WEALTH AS THEY WILL CREATE." *

But the American legislature have not been satisfied with attempting to bolster up the Woollen manufacture. They have made equally strenuous efforts to establish the Cotton manufacture, which have been crowned with about equal success. On the coarser description of cotton fabrics, costing from 8 to 15 cents a yard, the duty under the tariff of 1824 was as high as 7½ cents, being from about 50 to 90 per cent *ad valorem;* on other fabrics, costing from 15 to 20 cents, the duty varied from 38 to 50 per cent; and on the more costly fabrics it amounted to 38 per cent. Such an extraordinary degree of protection could not fail to divert a considerable quantity of capital and labour to the manufacture of cottons; but instead of being of any advantage, every cotton-mill that has been built under this system, is an evidence of the folly of government, and

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* Papers relative to American Tariffs, printed by order of the House of Commons, p. 233.

of the misemployment of so much capital. Withdraw the protection—that is, prevent the public from being taxed for the sake of tempting cotton-spinners and manufacturers to embark in a disadvantageous business, and the utter annihilation of these establishments would follow as a matter of course. The manufacturers derive no part of their subsistence from their own industry or ingenuity; they derive it wholly from the monopoly which they possess of the home market, and which enables them to put their hands into the pockets of their neighbours. This is what the 'American system' really amounts to; and we can truly say, that we do not envy our Transatlantic friends the advantages of which it can be productive.

It appears from the Report of the Boston Committee, that notwithstanding the imposition of the exorbitant duties now alluded to, cottons, which sold for about 18 millions of dollars, were imported into the United States in 1826. (Page 24.) And yet, in the teeth of these facts, it is said by the advocates of the restrictive system, that 'America is not only supplied, but overflowing with cotton manufactures, the produce of her own labour.'—'The goods made by our own mills,' it is stated in a paper published by the Harrisburg Convention,* 'are the CHEAPEST AND BEST IN THE WORLD. They have driven like British goods out of every market accessible to us as to them, though our great rival has attempted to *counterfeit* our goods in numerous instances, to deceive the people of Mexico and South America. Some small parcels of our goods were *smuggled into England, and sold with a good profit!!!* American cottons would drive the like British or India goods out of Calcutta, were their importation thereat liberally allowed. There is nothing but *sober truth* in these statements; but how wonderful (wonderful truly!) are the changes that have taken place.' †

In our ignorance, we long imagined that John Bull had been the most gullible of animals; but if Jonathan can swallow such assertions as these, John has not the vestige of a claim to that distinction. *Smuggle* American cottons into Great Britain! What an opinion must the Harrisburg delegates have formed of their countrymen, when they could presume to call such a statement a 'sober truth'! Is there a merchant in the United States

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* Consisting of delegates from all parts of the Union friendly to the encouragement of domestic industry; they met at Harrisburg, 30th July, 1827.

† Papers relative to the American Tariffs, printed by order of the House of Commons, p. 107.

so profoundly ignorant, as not to know that American, and all other foreign cottons, may be freely imported into our markets on paying an *ad valorem* duty of TEN per cent? Let us now see how they are driving our cottons out of foreign markets. In 1826, the estimated official value of the whole exports from the United States amounted to 77,595,322 dollars, of which coarse cotton goods of *domestic* manufacture amounted to 1,138,125 dollars; and of these, 711,959 dollars worth were sent to Mexico, and South America. Now, it appears from the official accounts of our custom-house, that the value of *our* exports of cotton goods only, in 1825, amounted to L.30,795,000, or about 150,000,000 dollars; and there are good grounds for thinking, that the value of those exported to Mexico and South America exceeded 25,000,000 dollars; so that the American exports to those countries, some of which are their immediate neighbours, amount to about *two-thirds of a per cent* of our own; a marvellous progress, certainly, towards '*supplanting the British in all* '*foreign markets!*'

But the truth is, that this is setting the progress made by the Americans in a much too favourable point of view. 'It is well 'known,' says the Boston Committee, which, it will be observed, consisted wholly of merchants and practical men, 'that in such 'a various and extensive trade as we carry on, there are many 'markets where *assorted* cargoes are required, and they must 'be made up of both foreign and domestic goods, even though 'they may cost more than in the country where these, or simi-'lar articles, are produced. As evidence of this, we re-exported, 'in 1825, of European linens, imported at a cost of from 15 to 20 'per cent, to the amount of 2,433,625 dollars; yet no one ac-'quainted with trade would infer from that, our ability to un-'dersell the same articles going direct from the places where 'they are made, to the markets to which we export them. This 'is now the case, and always has been, with many of the arti-'cles which we import from all quarters of the world. But 'our re-exportation of cotton goods will be more to the point. 'From the custom-house returns the committee find, that the 'export of foreign cotton goods, principally or all British, for '1825, amounted to 1,810,591 dollars, of which 1,106,214 dollars 'went to Mexico, and different ports in South America; and 'that in 1826, the export was 1,714,788 dollars, of which 901,'849 dollars went to the same places, besides the shipments that 'went direct from Europe to those countries. We think this is 'a just view of the case, and such as will convince every reason-'able man, that no satisfactory evidence has been furnished to 'show that we can undersell the British in *any* market; indeed,

'nothing can be more absurd than to pretend that we can, 'while we levy a duty of from 50 to 90 per cent on those very 'goods in which we most excel, in order to keep British cot-'tons out of our markets, and which is still to be increased, if 'the manufacturers prevail.' Page 26.

The same system of forcing has been applied to almost every sort of manufacture; and it would seem that *coute qui coute* it is to be persevered in. Its advocates have proclaimed, that 'the 'principle of the tariff is to enable each article manufactured 'at home to sustain a competition with the same article when 'imported.'—'We,' it was said in Congress, 'want protec-'tion; and *it matters not whether it be* 50 *or* 150 *per cent*, so long 'as it is protection.' Entertaining such views, we think Congress would do well to prohibit foreign commerce altogether; to make it, as the Spaniards did in South America, a capital offence to carry on any sort of intercourse with foreigners. If their system of prohibitions and restrictions could take effect, it would destroy the foreign trade of the republic as effectually as if her territories were surrounded by Bishop Berkeley's wall of brass.

We observe that very great stress is generally laid by the speakers in Congress, and the writers out of doors, favourable to the "American system," on the alleged indisposition of the European powers, and particularly of Great Britain, to import the staple productions of America. We are accused of acting with inconceivable rapacity, illiberality, and so forth. We are said to have excluded almost every sort of Transatlantic produce from our markets. The injury done the Union by our corn laws is particularly dwelt upon; and they are triumphantly referred to as showing that we are still zealously attached to the prohibitive system. It is alleged, that the recent changes in some departments of our commercial legislation have been of no material consequence, and that they were really intended only to deceive foreigners, and make them enter into ruinous commercial treaties with us.

There is, however, a great deal of falsehood and exaggeration in these statements. With respect, indeed, to the corn laws, it is perhaps unnecessary for us to say that we are quite as hostile to them as any foreigner, whether an American or a Pole, can possibly be. We look upon them as decidedly opposed to all our best interests; as occasioning the misemployment of a large amount of capital and industry; as multiplying, at one and the same time, the chances, not only of famine, but also of gluts; and as tending, by raising the average price of food, and, consequently, the rate of wages, to an artificial elevation, to

depress the rate of profit, and cause the transference of capital to other countries. All, therefore, that can be said even by the Harrisburg delegates, in vituperation of the corn laws, will be assented to by us. We are enemies of prohibitions and restrictions, not because they have been enacted by aristocrats, autocrats, or democrats—by England, Austria, or America, but because we are thoroughly convinced that they are in the last degree inimical to the real wealth and permanent improvement of every nation by whom they are adopted. It is needless, therefore, to tell us that England has acted, and is, in this instance, still acting, upon that very system of policy, which we condemn. We admit, and lament the fact. At the same time, however, we are gratified in thinking that a very great progress indeed has been already made, notwithstanding the statements to the contrary by the American writers and speakers, in the way to a better system.

But why should Jonathan, who is so very sharp-sighted in other plain practical questions, be so very blind in this? He sees clearly enough that the corn laws operate as a heavy tax on the consumers of corn in this country, of which a small part only finds its way into the pockets of the landlords, the rest being wasted in the heavy expenses attending the tillage of the poor soils, which we are, through the agency of these laws, compelled to cultivate. Jonathan has the most perfect comprehension of all this, and can descant, in good set phrases, on its impolicy and absurdity—And yet, with an Irish sort of consistency, he sets about doing the very same thing himself that he so loudly condemns in us! He sees that the English might import corn from abroad for a half, or perhaps a third, of what it takes to raise it on the worst lands now in tillage; and not to be behind us in wisdom, he hastens to lay prohibitory duties on foreign woollens, cottons, hardware, glass, sugar, &c., that he may have the pleasure of paying twice as much for these articles as he might otherwise obtain them for, and thus be on a level with the English! After this, who will presume to say that John Bull is the greatest goose in the world? Had he been in Jonathan's place, and no longer kept in leading strings by the Newcastles, Kenyons, &c, we believe he would have said, that the line of conduct followed by the British government, with respect to the trade in corn, ought to be avoided, not followed; and that it was clearly for his interest to buy his woollens, cottons, and hardware, wherever he could get them cheapest, whatever the English might do.

It is quite a mistake to affirm, as Mr Otis and other advocates of the tariff have done, that we import almost nothing that the Americans produce. It appears from the American custom-

house report, that the estimated value of the *domestic* produce exported from the United States amounted, in 1825, to 66,944,745 dollars; and of this *no less than* 40,372,987 *dollars worth was sent to Great Britain and her colonies ;* 35,043,466 *dollars worth being exported direct to Great Britain.* Well and truly, therefore, might the merchants of Boston say in their Report, that 'Whatever view we take of the trade with Great Britain, it will 'be found to be *equal in value to* TWO THIRDS OF ALL THE COM'MERCE *which we carry on with the remaining parts of the whole 'world ;* but it will be impossible for us to retain more than a 'small portion of what we now enjoy, if the system we are op'posing should prevail.'—P. 127.*

There cannot be a question, indeed, that the commerce with Great Britain is of the utmost consequence to the Americans, and that we deal with them on infinitely more liberal terms than they deal with us. We annually import more than 125 millions of pounds weight of American cotton, charging it only with a duty of *six* per cent. Our supplies of tobacco are principally imported from America; and though it is charged with a heavy duty of 3s. a pound, that duty is imposed solely for the sake of revenue, and certainly with no view to check the consumption of an American product, in order to encourage the use of one raised at home. With the exception, indeed, of ashes and rice, no articles brought from America pay a protecting duty; and on the majority of the American articles we import, the duties do not, at an average, exceed *eight* per cent *ad valorem.* But there is not, as we have already seen, any reciprocity in the proceedings of the Americans. They charge our woollen goods with a duty of from 45 to 90 per cent, cottons with a duty of from 30 to 100 per cent, iron bolts and bar-iron with a duty of L.7, 17s. per ton, and so on. It would be well, therefore, if in future discussions of this matter, the advocates and eulogists of the 'American system' were to lay somewhat less stress on our 'cupidity' and 'illiberality.' Whatever may be our defects in that way, it does not really seem that the Americans have any very peculiar right to reproach us with them.

It is true, that it is our own interest we have in view in admitting American raw cotton, and other products, at comparatively low duties. Nor do we object to the Americans that they act on this principle; for no nation ever acts on any other. What

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* In 1827 the value of the exports from the United States to Great Britain and her dependencies amounted to 32,870,465 dollars, of which 28,297,692 dollars' worth went direct to Great Britain.

we object to in their conduct is, that they mistake wherein their own interest really lies; and that their prohibitions and restrictions, by narrowing the field of commercial enterprise, are a public and general nuisance; though it is certain that they are infinitely more injurious to themselves than to any other people.

On hearing the terms in which some of the leading American orators talk about the mischiefs arising from the *balance of trade* being unfavourable to the republic, and the consequent exportation of specie, one is almost tempted to believe in the doctrine of the metempsychosis, and to conclude that the Roses, the Kenyons, and the Lauderdales of a former age, are again revived in the Baldwins, the Lawrences, and the Everetts of the present. It is difficult to argue with those who, at this time of day, can talk seriously about the balance of trade. To say that the old doctrine with respect to it has been a thousand times shown to be false, contradictory, and absurd, is not enough. The fact is, that the very reverse of it is true; and that every nation carrying on an advantageous foreign commerce must import *more* than she exports, and must therefore, according to the Transatlantic illuminati, have the balance against her. But in despite of the speeches of honourable gentlemen, and the innumerable essays of Mr Carey, we apprehend that Jonathan is not quite so simple as to export any commodity, except in the view of importing a more valuable one in its stead. It is this greater value that constitutes the profits of the merchants engaged in the foreign trade; and to affirm that it is large, is to affirm, what is not reckoned a very serious evil on this side the Atlantic, whatever it may be on the other, that the external trade of the country is very lucrative.

It would, however, be unjust to individual members of the American Legislature to represent them as all approving the exploded and absurd notions with regard to the balance of trade. Mr Cambreleng, in an able pamphlet, entitled an Examination of the Tariff proposed in 1821, forcibly exposed the fallacy of the opinion of those who believe, or affect to believe, in the pernicious effect of what is called an unfavourable balance. Mr Webster, too, in an admirable speech on the tariff bill of 1824, set the real nature of commerce, and the true doctrine as to the balance, in the clearest point of view. Mr Webster illustrated his statement by a case which, although it failed to make any impression on the majority of his auditors, is so very conclusive, that we believe it will carry conviction to every one who may happen to throw his eye over these pages. 'Some time since,' said Mr Webster, 'a ship left one of the towns of New Eng-
" land, having on board 70,000 dollars in specie. She proceeded

'to Mocha, on the Red Sea, and there laid out these dollars on 'coffee, drugs, spices, &c. With this new cargo she proceeded 'to Europe; two thirds of it were sold in Holland for 130,000 'dollars, which the ship brought back and placed in the vaults 'of the same bank whence she had taken her original outfit; 'the other third was sent to the ports of the Mediterranean, and 'produced a return of 25,000 dollars in specie, and 15,000 dol-'lars in Italian merchandise. These sums together make 170,000 'dollars imported, which is 100,000 dollars more than were ex-'ported; and forms, therefore, according to the doctrine of ho-'nourable gentlemen on the other side, an *unfavourable balance* 'to that amount.' But honourable gentlemen were proof against this *reductio ad absurdum*—They continued firm in their belief, that the doctrine of the balance was no chimera, and that the adventure described by Mr Webster was a losing one!

Some members of the American Legislature, who advocate the protecting system, and of the purity of whose motives no doubt can be entertained, seem to lay a great deal of stress on the assumed principle, that no people can truly be said to be *independent*, if they are indebted to foreigners for supplies of any commodity of very great utility. There is some apparent, but no real foundation for this opinion. The fallacy lies in attaching an erroneous meaning to the term independent. No one would reckon a private gentleman, who had his clothes, hats, shoes, &c. made in his own house, as in any respect more independent than one who had money enough to buy them of the tailors, hatters, shoemakers, and other tradesmen. The same is the case with nations. Each, by applying itself in preference to those pursuits for which it has some peculiar aptitude, will be able to obtain a greater command over the necessaries and conveniences of life, through the intervention of an exchange, and will, consequently, be *richer*, and consequently more truly *independent*, than if it had directly produced the various articles for which it has a demand. In commerce, equivalents are always given for equivalents; so that there can be no dependence, in the vulgar acceptation of the term. The Americans, it is true, have on one or two occasions experienced a scarcity of foreign manufactured goods; but this was a consequence of *their own policy*, of their non-importation acts, and not of the prohibitive regulations of any foreign power. They may rest assured, that *no manufacturing nation will ever refuse to sell.* No such circumstance has ever yet occurred; and it may be safely affirmed that it never will. The danger that the American statesmen would provide against is therefore altogether imaginary. The independence at which they aspire, is the in-

dependence of those who swim across the river that they may owe nothing to the bridge.

We have hitherto argued this question, on the assumption that the provisions of the tariff might be carried into effect; but this seems to be quite out of the question. The great corrector of vicious commercial and financial legislation, the Smuggler, will prove too powerful for the utmost vigilance of the custom-house officers. The vast extent of the American frontier, and the facilities it affords for the clandestine importation of foreign goods, present insuperable obstacles to the success of the mad attempt in which the government has embarked. We have no idea, indeed, that our exports to the United States will be very materially diminished by the new Tariff. Free access to Canada will afford our merchants so many facilities for smuggling, that unless the Americans place a custom-house officer in every bush, and station a gun-boat in every creek, it will not be in their power to prevent the introduction of our products. The American Legislature will not, therefore, be able, do what it will, to establish the finer branches of manufacture within the Union. It may carry the protecting duties from 100 to 500 or 1000 per cent; it will only be so much additional premium to the clandestine trader. The injury will fall heavy on the Americans themselves; but will be comparatively little felt by the foreigner. Instead of reaping a large revenue from moderate custom duties, they will empty the public coffers of the state to fill the pockets of the smuggler; instead of having the population on their frontier engaged in the clearing of land, and in extending the empire of civilization, they will imbue them with predatory and ferocious habits, and teach them to defy the laws, and to place their hopes of rising in the world, not in the laborious occupations of agriculture, but in schemes to defraud the public revenue. Commerce will be diverted from its natural and wholesome channels; and instead of being one of the most productive sources of wealth and civilization, it will become, under the operation of the "American system," a prolific source of every sort of disorder.

But it is alleged by some, that, whatever may be the merits or demerits of the "system," Congress has now gone too far in its support to be able to recede. It is alleged that a vast amount of capital has been expended in the erection of woollen and cotton mills, and other manufacturing establishments, in the belief that the protecting system would be continued, and that the Legislature cannot now abandon that system, and revert to the sound principle of moderate duties, imposed for the sake of revenue only. But the sophistry of this sort of reasoning is apparent. Were it admitted to be sound, it would be virtually

admitting that no system of legislation, however vicious, in the support of which some individuals have an interest, could ever be changed or amended! Error and abuse would be perpetuated for ever, and every sort of improvement would be at an end. Had the American Legislature declared that any particular duty was to continue for a given number of years, then, certainly, it could not have modified that duty within the period mentioned, without making full compensation to those who might suffer by it. But we believe we are correct in saying, that, how absurdly soever it may have acted in many respects, it has not done this. It has imposed no duties for definite periods; it has reserved to itself full power to increase or diminish them when it thinks proper; and it might, without laying itself under a charge of acting with bad faith towards any one, repeal the duties, and throw the ports open to-morrow. Of course, we do not say that it would be expedient to make any such sudden change, even from a supremely bad to a good system. But if the Americans be wise, they will set about retracing their steps, and will continue gradually to reduce the duties on imports, till they have brought them to, at most, the rates they were fixed at in 1818.

That the present tariff can be allowed to regulate the commerce of America for any very lengthened period, is what we do not believe. It was carried by extremely narrow majorities both in the House of Representatives and the Senate; and has excited, more especially in the Southern States, an extreme degree of dissatisfaction. Its opponents contend, that in imposing heavy duties, not for the sake of revenue but of *protection*, Congress has exceeded its powers, and violated one of the fundamental principles of the constitution. Whether this be really the case, it would be presumptuous in us to attempt to decide. We may however observe, that Mr Jefferson took this view of the matter; and, in a letter to Mr Giles, written after the passing of the Tariff of 1824, has expressed himself very strongly indeed on the subject—'Under the power,' said this truly distinguished patriot and statesman, 'to regulate commerce, 'they (Congress) assume indefinitely that also over agriculture 'and manufactures; and call it regulation, too, to *take the earnings 'of one of these branches of industry, and that too the most depres- 'sed, and put them into the pockets of the others, the most flourishing 'of all.*' And after briefly noticing some of the objectionable proceedings of Congress, Mr Jefferson adds—'Are we then to stand 'at arms? No! that must be the last resource, not to be thought 'of until much longer and greater sufferings. If every infraction 'of a compact of so many parties is to be resisted at once as a

'dissolution of it, none can ever be formed which would last one 'year. We must have patience and long endurance then with 'our brethren *while under delusion.* Give them time for reflec-'tion and experience of consequences; keep ourselves (Virginia 'and the Southern States) in a situation to profit by the chap-'ter of accidents, and separate from our companions only when 'the sole alternatives left, are the dissolution of our union with 'them, or submission to a government without limitation of 'powers. *Between these two evils when we must make choice, THERE 'CAN BE NO HESITATION:* but in the mean time, the States 'should be careful to note every material usurpation on their 'rights, to denounce them as they occur in the most peremp-'tory terms, to protest against them, as wrongs to which our 'present submission shall be considered, not as acknowledgment 'or precedent of right, but as temporary yielding to the lesser 'evil, *until their accumulation shall outweigh that of separation.*'

This, if any thing can, ought to make Congress pause in the hazardous and desperate career on which it has entered. Strong indeed must have been the conviction of the impolicy of the 'American system,' that could have induced Mr Jefferson to declare that a dissolution of that confederation, in the formation of which he had borne so distinguished a part, would be a preferable alternative to a toleration of the evils that must spring from it. So solemn and impressive a denunciation will not surely be disregarded by Congress; and must, at any rate, have the greatest public influence. It cannot be said of Mr Jefferson that he was actuated by selfish or factious motives. He was one of the founders of his country's constitution, understood her interests, and was anxious only for her welfare. The letter containing this truly important passage was not a public one; it was a confidential communication to an intimate friend, disclosing the undisguised sentiments of the writer on a vitally important question; nor had Mr Jefferson the least idea that it would ever see the light. It is idle, therefore, to consider, as some individuals here have done, the vituperations of the tariff at public meetings in America, and the vehement attacks made upon it by a large part of the public press, as the mere exasperation of the moment. The terms in which Mr Jefferson speaks of it show the deep and profound impression that the policy on which it is founded had made on the soberest and ablest individuals. That the coldness, or rather jealousy, which formerly existed between the Southern and Northern divisions of the Union, has been vastly increased by the enactment of the present tariff, is a fact of which no one at all conversant with American affairs can be ignorant. It has irritated where conciliation was of

the utmost importance; and has inflamed the violence of parties, already too much incensed against each other. As sincere friends to America, we deeply regret the infatuation that has produced such baleful results. But we trust that the good sense of the people will prevent her rulers, even if they be so disposed, from carrying matters to extremities; and compel them to recede from a system of policy, which, at the same time that it is destructive of the public wealth, threatens to put in peril the very existence of the Union.

It has been asked, what ought England to do in this emergency? The commerce of no other nation will be so much affected as ours by the proceedings of the Americans; and it is contended that we ought either to remonstrate or retaliate. We believe, however, that it will be infinitely better to do neither. The proceedings of the Americans ought rather to excite pity than anger. They cannot injure us without injuring themselves to a tenfold greater extent. But if we were to retaliate, by excluding American produce from our markets, we should not only aggravate, in a very great degree, whatever inconvenience we may already experience from the proceedings of Congress, but would enable them to give effect to their measures. So long as we allow the produce of America to enter our markets, it will not be possible for her to exclude ours. The smuggler, provided we allow him to bring back equivalents, will take care of our interests. Cheap goods will in this, as in all other instances, make their way through every barrier; and British manufactures will be displayed in the halls of Congress, and the drawing-rooms of Washington, in mockery of the impotent legislation that would seek to exclude them. At the same time, however, it is quite clear, that the less dependence we now place on the trade with America, so much the better. She cannot, indeed, inflict any material injury on us by refusing to *buy* our products, but at present she might injure us by refusing to *sell;* and after what we have seen of Congress, it could excite no surprise though some attempt of that sort were made. We are not, therefore, sure, that it might not be good policy to endeavour to encourage the importation of cotton from India, Egypt, South America, &c. by reducing or wholly repealing the existing duty on all cotton not imported from the United States. We would not increase the present duties on any commodity brought from America; but when she is every year making fresh efforts, by means of oppressive duties, to exclude our produce from her markets, she cannot blame us if we begin to look about us for means, and they may easily be had, of making ourselves wholly independent of any intercourse with her.

ART. V.—*Report from the Select Committee on the Police of the Metropolis, ordered, by the House of Commons, to be Printed 11th July*, 1828.

EVERY one remembers the short dialogue between M. de Sartine and the culprit whom he reproached with habitual thieving. The poor man's modest answer:—'Il faut que je vive!' was by no means satisfactory to the Lieutenant of Police, who wittily replied, 'Je n'en vois pas la necessité!'

This controversy, we fear, can never be reconciled. The respective situations of the parties will keep it alive while society endures. The rich will always entertain doubts, whether there is any need for the existence of those who contribute nothing to their comfort and enjoyment: while those who do exist will have their own views of the matter, and help themselves to the means of remaining in the world, as some of their superiors have amassed riches,—honestly if possible, but somehow.

In other words, while the increase of population outstrips that of employment, the number of offences against property cannot well be stationary. But the public authority cannot connive at these irregular proceedings: they must be punished and prevented. And how is this effected? The offender is brought before the Police, convicted, and sent to gaol. But here he is clothed and fed better than he was at home; and the gaol, under the name of a place of correction, becomes in truth a workhouse, where he is relieved out of public rates. If young, he receives there, in addition, such an education as his parents never could have given him, or, perhaps, he is apprenticed to some honest trade, and respectably settled in life. The attempt, then, to deter from crime by such inflictions seems much more likely to promote it; for the costly and circuitous machinery designed to discourage, has ended in securing great advantages to the individual; and yet his ticket of admission to them was an act of felony!

The operations of the preventive Police are shorter, and for the moment more effectual. Former Committees recommended the establishment of various descriptions of patrol, which, we believe, have fully answered the purpose. Yet the evil is supposed to have been increasing; and many defects in the system might account for such a result. The watch is appointed by the different parishes, which hold no correspondence together: they are assigned to separate beats, and scrupulously adhere to their limits. They may report to their respective Police Offices; but these have no necessary intercourse with them, or with each

other. Persons, too, are selected as watchmen, who will bring the lowest expense on the parish—the labourer, who has worked all day, and must sleep in his box at night, or the aged pauper, whose infirmities would make him an object of relief. The partial exceptions, which prove the efficacy of wiser measures, do not diminish the mass of evil, perhaps they augment it. St George's becomes a kind of preserve for the night-brawlers, who are driven out of St James's: Acton and Kensington are well guarded, at the expense of Ealing and Brentford; and the Association that protects Edgware, drives depredation into the adjoining district.

The Committee, besides proposing specific remedies for a variety of particular defects, strongly recommend the adoption of one general system—a central and responsible police under the control of Government, to which every parochial authority should be directly amenable. The recommendation is supported by cogent, and, to us, convincing arguments; and we fully agree in the opinion, that such a system would be a great and decided improvement, and that it might be adopted probably at a less expense, and with no new restraint on the liberty of the subject.

We would farther suggest the propriety of dividing the powers now vested in metropolitan justices. The common name of Police is given to duties essentially different, and frequently clashing. The detection of criminals should be entrusted to different hands from those engaged in putting down minor annoyances. The investigation of some enormous offence should not be suspended for hours, while the magistrate's clerk is drawing up a conviction against an apple-woman for placing a wheelbarrow on the flags, or against a hackney coachman for ill-breeding. Such powers ought to be kept distinct, and perhaps the latter class ought to be still considerably extended.

The curious and important subject of Compromising crimes by money paid through the medium of thief-takers, occupied a large portion of the Committee's labours. The evidence 'is 'for obvious reasons not annexed.' We beg leave to doubt the propriety of this reserve; being of opinion that the public have a right to full information as to the conduct of all official persons, and knowing too that forbearance towards the guilty has often thrown suspicion on the innocent. The result is highly disgraceful to the inferior agents of the London Police.

'A great majority of these cases have taken place where large depredations have been committed upon country bankers. Two banks, that had separately been robbed of notes to the amount of L.4000, recovered them on payment of L.1000 each. In another case, L.2200 was

restored, out of L.3200 stolen, for L.230 or L.240. This bank having called in their old circulation, and issued fresh notes immediately after the robbery, the difficulty thus occasioned was the cause of not much above L.10 per cent being demanded. In another case, Spanish bonds, nominally worth L.2000, were given back on payment of L.100. A sum not quite amounting to L.20,000 was in one case restored for L.1000. In another, where bills had been stolen of L.16,000 or L.17,000 value, but which were not easily negotiable by the thieves, restitution of L.6000 was offered for L.300. The bank in this case applied to the Home Office for a free pardon for an informer, but declined advertising a reward of L.1000, and giving a bond not to compound, as the conditions of such grant. In another case, L.3000 seems to have been restored for L.19 per cent. In another case, where the robbery was to the amount of L.7000, and the supposed robbers (most notorious "putters up," and "fences,") had been apprehended, and remanded by the magistrates for examination, the prosecution was suddenly desisted from, and the property subsequently restored for a sum not ascertained by your committee. In the case of another bank, the sum stolen, being not less than L.20,000, is stated to have been bought of the thieves by a receiver for L.200, and L.2800 taken of the legal owners, as the price of restitution.'

The Committee add, 'it is evident they have not been informed of any thing like all the transactions that must have occurred under so general a system; yet they have proof of more than sixteen banks having thus sought indemnity against their losses—that stolen property, exceeding in value L.200,000, has been the subject of such negotiation,—and that near L.12,000 has been paid by bankers only, accompanied by a clearance from every risk, and perfect impunity.' No Government can receive proof of so intolerable an abuse, which identifies the protectors of property with its plunderers, and not resolve upon its immediate extirpation.

Besides the diligence and sagacity shown by the Committee in their projects for detecting crime when perpetrated, or preventing it when planned, they have displayed a praiseworthy desire to annihilate it, by removing all its predisposing causes. A main object of their inquiry has therefore been, 'whether crime has prevailed to a greater extent of late than formerly, and why?' On the first point, the opinion of the witnesses examined was by no means uniform; many of the best informed doubting, from their own observations, whether crime can be truly said to have increased in a higher ratio than population. But the Committee, taking advantage of the numerous returns laid before them, have brought this fact to an apparently decisive test: For, the yearly increase of population in London being estimated on fair grounds at 19 per cent, and the criminal calen-

dar exhibiting an increase in the annual average of committals of 48 per cent, this cause leaves 29 per cent unaccounted for.

Crimes, however, do not of necessity bear a direct proportion to committals; for a quickening impulse was lately given to prosecutions by an enhanced rate of allowance for the expenses. The arresting officer, and all the witnesses, are now liberally paid so much a-day for their attendance at the sessions, which possibly may last a fortnight; and the officer may even ingratiate himself with his fraternity by multiplying witnesses. Dogberry hands the stolen watch to Verges, and he to Oatcake; and the three-or-four-deep officers, all coming to trace and identify the property, receive the like liberal compensation. Without here dwelling on the two-fold tendency of this practice to increase crime,—first, by making it the officer's interest rather to see a starving man steal a loaf from a baker's shop, than warn him off the premises; and secondly, from the streets being left unwatched, while the preventives attend the trial,—we find in it a natural explanation why many offences, which would formerly have been left unpunished, should now be brought to light.

The inference of crimes from committals is subject to another deduction, from the allowance of costs, formerly granted to felonies only, being now extended to misdemeanours of a lower degree. Hence, every person who has a squabble with a neighbour, rushes before the Grand Jury with a bill of indictment, which he hopes to prosecute at the public expense. The evidence of Mr Serjeant Pell (whose attention to this interesting subject does him the highest honour,) shows other causes for the increase of committals.

'I find in the two gaols for the county of Middlesex, one of which is called the New Gaol, the other the House of Correction, that in the year 1827, up to the 25th of March 1828, there have been committed to the gaol 3306 persons. Those 3306 persons are made up in this way: There have been committed for not being able to find sureties until the Sessions, comprising cases of assault, 2105 persons. That was in the year 1827. The same year for sureties for good behaviour, 571; and for sureties of the peace, 182.

'The first 2105 were committed for trial. They are stated in the return here as being for sureties until the Sessions, and they would be (when the Sessions came) discharged of course, either by the verdict of the Jury, or from there being no prosecution. Then in the present year, up to the 25th of March, there have been committed for sureties to keep the peace until the Sessions, 367; for good behaviour, 56; for sureties for the peace, 25; making, for the last year, and up to the 25th of March this year, 3306 persons. I naturally asked myself how that could be, and upon inquiry, found that the greater part of them were for assaults, until the Sessions. Undoubtedly, a good deal, as the

Committee must know, must depend upon the discretion of the magistrates; such as the case of a man who comes with an idle complaint of an assault, which, if it went on to trial, no prudent man, sitting as a judge, would do more than fine the man 6d., and discharge him. But if a case of that description is brought before a magistrate, he is bound to require bail, and if the man has no bail, which probably is the case in a majority of instances, the gaol is overflowing, and it is in my judgement a disgrace to the country, to see the gaol full of persons of this description. Now, there is another class of instances, which is still stronger, and which, if the Committee would permit me, I would, as shortly as I can, state to them the exceeding impolicy as well as illegality of it. They are persons committed in the year 1827; I take that year only to give the instance; they amount to 571, and they are described in the list which has been returned to me by the gaoler, as persons confined because they can find no sureties for good behaviour, not because they have menaced any person, which would require sureties to keep the peace.'

No precise conclusion, we admit, can be drawn from these premises; but they greatly weaken the proof of the increase of crime, and leave us indeed very doubtful of the fact.

These must not be censured as idle speculations; since they may throw light on the practical question, how the amount of crime—certainly always greater than it ought to be—can be reduced? In the first place, then, we say, let all the incentives to it, which are supplied by the actual administration of the laws, be carefully done away. Of the most malignant of these we have often spoken,—the moral contagion of our crowded gaols. The magistrates' power to commit should be materially curtailed, and his disposition to do so watched with the utmost jealousy. Above all, especial care should be taken that the period of imprisonment, before trial, do not exceed what would be awarded by a prudent judge upon conviction.

Sir John Hawkins, himself a police magistrate, takes some whimsical opportunity (either in his Life of Dr Johnson, or in his History of Music,) of cataloguing the chances of escape, which our law provides for every guilty person. He makes the number thirteen, consisting principally of technical forms, by which justice was embarrassed and disfigured, till Mr Peel set about reforming the Criminal Law. Some, indeed, still survive; and as all other sources of crime are barren, when compared with Impunity to Guilt, we boldly venture to attack some of the strongholds, which will be most obstinately defended.

It is not without fear and trembling that we pronounce the word *Jury*, in connexion with our general argument,—a word so musical to English ears. The open trial by equals indifferently chosen, where the law is publicly laid down by a responsible judge, and the fact decided by a full hearing of the evidence

on both sides, is beyond all doubt one of the best and noblest securities for all the rights of social man. We are not here bound to question or admit the superiority of that unanimous verdict, which our own criminal law does not require, but which has received the sanction of Bentham and Dumont. In cases of severe punishment, it shelters the accused with perhaps no unreasonable protection. But the generous institution here characterised corresponds in no single feature with that anomalous excrescence attached to Courts of Criminal Law in England, under the name of a *Grand Jury*. That is not an open, but a secret tribunal. The accused has no voice in its formation; no challenge against his worst enemy, who may possibly direct its unwitnessed deliberations. The legal points that may arise are clandestinely debated and decided, without the assistance of any known minister of the law. In their private chamber, the Grand Jurors hear the testimony on behalf of the accusation only, subject to no cross-examination or contradiction. In a spirit directly hostile to the most cherished principles of English Law, every thing takes place with closed doors, and in the absence of the party to be affected. Finally, as if to complete the contrast, the verdict need not be unanimous, or even the opinion of two-thirds; for a bare majority, twelve to eleven, is sufficient either to put the party on his trial, or to stifle the most important investigation.

The books leave the *duties* of Grand Juries extremely indefinite. The Judge often exhorts them not to *try* the cases that come up stairs to them, but merely to inquire whether there is ground for ulterior inquiry. Yet they present upon their oaths, positively, that A stole the goods of B, &c.; and Lord Somers wrote a tract to prove that they were bound to sift minutely the whole evidence, before they could be justified in returning a true bill. The *effect and use* of their functions it is still more difficult to collect. Where they find the bill, they only express the opinion already adopted and acted on by the committing magistrate, after a much more satisfactory proceeding. Is not this superfluous? If they differ from him, and, by rejecting the bill, quash the charge, they can hardly clear the suspected character, but may do irreparable injury to public justice.

Some of the witnesses summoned before the Committee, intimate, with hesitation and apologies, that in some cases a Grand Jury might be dispensed with, for the important purpose of lightening the burden of attendance both to witnesses and jurors. But the facility of escape afforded by this unnecessary stage, is a far more serious objection. The many accidents, that may conspire in favour of the criminal,—in themselves a great incon-

venience—furnish an excuse for the corrupt compromises that are daily defeating justice. Witnesses are not at hand, when called; they have mistakenly conveyed the stolen property to the wrong place; they are plied with liquor, and forget all the material circumstances which they disclosed to the magistrate, but of which there is nothing to remind them, as the depositions do not find their way to the Grand Jury in their private apartment. The effect appears in the abstract set forth in p. 288 of the Appendix to this Report; the average number of escapes under the column 'no bills found,' and 'not prosecuted,' varying between 1-5th and 1-10th of the whole number of committals.

In ordinary cases of theft at least, the magistrate's opinion might be deemed a legal initiative of the trial; and even in an earlier stage, if the party arrested should expressly admit the truth of the charge before a magistrate, we ask with humility, might not his plea be recorded, and the necessity for further proof suspended? In that case, we can conceive no good reason why the magistrate should not be empowered to pass the sentence, especially if the nature of the offence and the prisoner's character required a mild one. We can even imagine the propriety of investing him with the power of pardon,—of restoring the young offender to his parents, with no other punishment than restitution and a lecture. But an accurate register of convictions ought to be kept and circulated, and heavier consequences to be the result of repeated delinquencies.

Another encouragement of crime, by shielding it from punishment, is excessive rigour in the laws. Too many offences are still capital, and their descriptions are incredibly vague. Hence most of the Forgeries that occur are never prosecuted. Breaking, entering, and stealing in, a dwelling house, by day or night, is a capital crime: and thus the same extreme punishment awaits him who lifts the latch of an outer door, and steals an old hat from the entry, and the most savage night burglary in a lonely house. It is capital to steal to the value of £5 in a dwelling house: yet *value* seems as strange an ingredient in crime, as it is a slippery subject of discussion, as well in Courts of Justice as elsewhere. The statute, which admits of being so acted upon, as this was a short while since, can do little good to the community. A boy was tried for stealing a watch of the value of L.10 from a dwelling house, and the case was most clearly proved in all its parts; but the Jury, by finding the watch to be under the value of L.5, acquitted him of all but the simple larceny, and he was whipt and discharged. Had not the law been thus eluded by a pious perjury, that young child, for a first offence instigated by others, would have been solemnly doomed to death! He would have

stood in Court with a band of incendiaries and murderers, condemned to the gallows, in the hearing of his agonised parents and a disgusted audience, and kept in Newgate a capital convict, perhaps for months. The very possibility of such enormous consequences is shocking to humane and religious minds, investing all culprits indiscriminately with a misty halo of compassion, and producing a general unwillingness to assist in the administration of the Law.

The removal of clogs like these, with which English justice appears to take a pleasure in obstructing the freedom of its own course, might render it needless to provide additional facilities for its procedure. We own we feel a stronger repugnance to permanent sittings for the delivery of prisons, and to the indefinite enlargement and multiplication of prisons, than perhaps we can well defend by reasoning. But we dislike the assumption that offences *will* come in such numbers, as to require a Session more frequently than eight times in a year; for there is a mysterious tendency towards equalization in supply and demand of every sort. We deprecate too much familiarity with the awful apparatus of Criminal Justice: and we think with horror of the immense proportion of our countrymen, who may be drawn into the contamination of prisons. We cannot, however, refrain from expressing our favourable opinion of the proposal to keep young offenders in separate confinement.

Over the more general causes assigned for the prevalence of crime, we fear that Police can exercise but little influence; and that even 'Laws or Kings can cause or cure' but a very small part. Excess of population can only be kept down by prudence in the lower classes, by the decent pride of independence, by real kindness towards the dearest objects of natural affection. Employment cannot be forced; but the demand for it may be increased by good government, cheap and simple law, security of property, lightness of taxation, freedom of trade, every thing conducive to the general welfare. The glut of a market overstocked with labour may be thrown off by seasonable emigrations; and to the unfair competition of Irish workmen, we endeavoured to point out, in our last number, the appropriate barriers.

The greatest enemy to crime—the Education of the people—we found, to our astonishment, enumerated among its causes!—not indeed by the Committee, nor by more than three at most of the fifty-five witnesses whom they examined. But a respectable magistrate, who presides at the Mary-le-bone office, Mr Rawlinson, makes, at p. 57, a confession of faith on that subject: 'I confess, I think the over-education of the lower class of peo-

'ple has done harm. *I do not mean to say that it is not desirable 'that children should be educated;* but if they are to be educated, 'and *afterwards have no employment,* you have merely given 'them expertness to become thieves.' The Committee here ask how such expertness can come from reading and writing, and Mr R. answers—'All increase of knowledge, increases expert-'ness to a certain degree.' It is then asked, if any of the crimes are of a nature, which reading and writing assist them in committing. 'Not merely reading and writing,' (answers Mr R.) 'but we know that all boys who are educated are cleverer than 'those who are not.' He thinks, too, that some of the Sunday papers teach young people no good.

When Mr Dyer, a respectable magistrate from the Marlborough-street Office, was interrogated on the 10th of March, as to the causes of delinquency in the class here mentioned by Mr Rawlinson, he enumerates various other causes, and omits education. So far, therefore, his authority may be considered as opposed to that of his brother magistrate. But when, on the 28th, the same gentleman 'wished (p. 170,) to make a far-'ther communication,' and proceeded to speak of masters robbed by servants, he traced this growing offence to 'a gene-'rally diffused spirit of extravagance, and a false ambition to 'imitate their superiors, on the part of shopmen, apprentices, '&c.;' but why that has increased, he cannot so well explain. 'The farther you go into these inquiries, the more do they ap-'pear enveloped in difficulties; but if I were driven to assign a 'cause, I should say that you may perhaps find it in the over-'education which now prevails in this country—it makes fine 'gentlemen of those who would have been content with a more 'inferior station, and who are led to supply their artificial wants 'by undue means. Do you think that mere reading and writing 'make a fine gentleman? By no means. Are those persons, of 'whom you have been speaking, persons of superior education? 'Not, certainly, of the highest classical education, but persons 'generally who have been well brought up.' To the question which so naturally arises, whether persons actually charged before Mr D., with criminal offences, have generally received this superior education, he replies in the negative, but adds, 'I think 'the far greater number brought to justice can *read and write.* 'You object, then, to reading and writing? *Indeed I do not, nor 'was I going to mention the subject at all, but I was pressed to give 'a reason;* and though I set out with saying, I found a difficulty 'in answering, I could not withhold what *occurred to me* as a 'probable cause.'

Mr Dyer, having stated, as well as Mr Rawlinson, that the

majority of persons charged before him can read and write, is reminded, that the great majority of the whole people can now read and write, and then he oscillates back again once more to 'a 'superior education.' He says: 'I did *not* mean *merely* to advert 'to reading and writing; but there is such a thing as forcing 'mental improvement beyond its natural course, and I think 'there is a tendency of that sort in these days, which is calcu- 'lated to produce *confusion*. It is painful to me, I confess, &c.' We should apprehend, Mr Dyer's mental improvement must here have been forced beyond its natural course.

The opinions of Mr Bodkin, a respectable practitioner at the Bar, and honorary secretary to the Mendicity Society, are to be found at p. 68.

'With regard to the increase of juvenile delinquents, I should say, although *certainly without attributing it to the fact of their being educated*, that the facility afforded for obtaining instruction, and the consequent degree of intelligence that pervades the lower ranks of society, have caused, with respect to those boys, a sort of premature manhood; and that, whether for good or evil, a boy at ten or twelve years old, is now much more able to do either the one or the other, than he would have been at the same age some years ago.

'Do you think he is more likely to do good? I am decidedly of opinion, that those boys who have had the advantage of moral instruction, are those who come the least before criminal courts; but I mean to say, that in consequence of the universal spread of intelligence, there is a greater aptitude either for good or evil at an early age than formerly.

'Do you suppose that an old thief, who wanted to make a tool of a boy, would prefer an educated boy, or an uneducated one? He would, of course, prefer the most intelligent.

'Are the greater number of boys who come before you as offenders, educated or not educated? As far as my means of observation have gone, there is a *greater number of those not educated;* and I am borne out in that opinion, by persons who have had better opportunities of judging than myself.

'Which of the two descriptions of boys do you think would be most easily seduced by a thief? That is a difficult question to answer; so much must depend upon the previous habits and dispositions not only of the boys, but of his parents and associates.

'Having been in a very responsible situation connected with the Society for the Suppression of Mendicity, do you think, that of those who come before that Society, the greater portion were educated or uneducated? *Uneducated, certainly*.'

We have thought it right to give these opinions in the language of those professing them, that their extent and authority may be duly appreciated. If the propositions were left in general terms, a rumour might go forth, that lawyers and magis-

trates had ascertained, from experience, the fact, that education promotes crime. How far the sentiments of these three respectable gentlemen lead them on this point, may be matter of controversy; but it is certainly very remarkable, that their evidence *contains no facts* that warrant that opinion in the least degree. There is not even an attempt to bring their premises in contact with such a conclusion. Mr Rawlinson offers no argument to show that moral and religious instruction can demoralize; and, though it certainly cannot provide employment, we deny its tendency to sharpen the faculty of thieving, or whet the propensity. The very opposite ground of attack—that the smallest acquisitions in science and literature disqualify from the dexterity required in handicraft trades—is older, and much more plausible. On the other hand, Mr Rawlinson is obliged to admit, that the hours devoted to education are redeemed from bad company and profligate habits, gambling and early debauchery. All the witnesses conversant with the subject, particularly Mr Black, in his clear and gratifying account of the Refuge of the Destitute, prove the positive benefits of education. And Mr Rawlinson must be well aware, that half an hour's converse with an idle and ignorant companion, will vitiate the mind more incurably, than all the John Bulls and Ages that ever defiled the Sunday press.

When Mr Dyer objects to education in shopmen and apprentices, he forgets that *they* could not possibly fill those situations without reading, writing, and arithmetic. But why these should inspire a false ambition to imitate superiors, why studious habits should generate dissipation and extravagance, he does not inform the Committee. Is it not clear that these faults arise, not from mental improvement, but the want of it,—the want of innocent and rational employment for the hours of leisure, and the absence of those principles of thought and action which counteract all evil propensities, and can only be engendered in cultivated minds?

Casting a second glance at Mr Bodkin's evidence, we find, that, upon the whole, he is not an enemy, but an ally. His reasons, though very nicely balanced, preponderate in our favour; and we shall not, by disputing those opinions which we do not entirely share, give the adversary the least pretext for sheltering his heresies under the sanction of that gentleman's name.

Of the heresies themselves, it is irksome to be called on for a fiftieth refutation; and it does, indeed, seem strange to us, that any one should still be found to reason against the use of a thing, from the mere possibility of its abuse and perversion. If men were not taught to write, they would not commit forgery!—most

true: But, is it not equally true that, if they were not taught to *speak*, they would not bear false witness against their neighbour? if they were not allowed the use of their hands, they would do no murder? In the same way, if there was no fire in the world, there would be no conflagrations—if there was no navigation, fewer people would be drowned—if there were no stage coaches, there would not be so many legs broken by upsets. But it would not be more manifestly absurd to say, that the use of carriages, and ships, and fire, and speech, ought to be forbidden or very much restricted, on this account, than that the use of writing ought to be discouraged, because it *may* give occasion to forgery. Forgery is no more the natural or common use of writing, than perjury is of the gift of speech, or arson of the employment of fire; and while the good and enjoyment that results from the natural use of it greatly transcends that of any other gift or contrivance of men, the occasions of its actual abuse are incomparably fewer than in the instance of any of the other acquirements, as to the innocence and value of which all men have always been agreed.

Those who have watched the course of public opinion on great moral and political subjects, will not be surprised at the necessity for demonstrating first principles over and over again. Look at the Slave question, and the Catholic question. The truth was long manifest, and almost universally received, before interest and prejudice would allow it to prevail completely. The great intellectual tide has long set steadily in, and still 'keeps 'right on,' while numberless under currents, obstructions, and diversions, still prevent the pouring forth of the waters. The cause of education has, perhaps, suffered less than any other: But the cause of ignorance must, in all times, have powerful patrons. Many will catch at any plausible apology for discontinuing their subscriptions; and the touch of the peasant's toe is still fully as galling to the courtier's heel, as it was in the days of Hamlet or of Shakspeare. No rank, indeed, inferior to the Ducal coronet—no wealth less than the ownership of several Boroughs, can stand an open avowal of hostility to the march of intellect and the spread of knowledge. Yet many wish in their hearts that the former had stood stock-still; and would gladly compel the latter to shrink, like the genie of the story, into its old dimensions, and return to the narrow vessel, from which it has escaped for ever.

Art. VI. 1. *Narrative of a Second Expedition to the Shores of the Polar Sea, in the Years* 1825, 1826, *and* 1827. By John Franklin, Captain R.N. F.R.S. &c. 4to. London, 1828.

2. *Narrative of an Attempt to Reach the North Pole, in* 1827. By William Edward Parry, Captain R.N. F.R.S. 4to. London, 1828.

3. *Remarks on the Probability of Reaching the North Pole: being an Examination of the Recent Expedition under Captain Parry.* By the Rev. William Scoresby, F.R.S. Lond. and Edin. &c. —*Edin. Philos. Journal.*

Ever since the grand era of the discovery of America, and the rise of Britain into maritime greatness, her views have been steadily and zealously directed towards the discovery of a Northern passage to India. In this attempt, many of her most celebrated navigators acquired their glory, and have had their names almost canonized by a grateful people; a Frobisher, a Hudson, a Baffin; on which list others, scarcely less distinguished, have been recently enrolled. Perhaps from the first, this pursuit was tinged with somewhat of a chimerical character. As soon as Cabot, Verazzani, and Cortereal, had ascertained the continuity of the American coast, from the Gulf of Mexico to the borders of the Arctic circle, there was little ground, indeed, to anticipate any easy or comfortable passage to the Eastern world. Perhaps even the hardihood of the undertaking, and its very hazards and improbability, conspired with the greatness of the objects to which it related, to make it attractive in the eyes of a people to whom such enterprises are congenial. It is now established that, in reference to any practical object, or purpose of commercial navigation, no such passage exists; yet we are far from thinking that this long and arduous search has been either vain or unprofitable.

Among the benefits resulting to mankind from the discovery of America, and of the modern passage to India, those of a physical nature hold perhaps the lowest rank. Men are not better, or perhaps in any degree happier, because they drink tea and coffee, wear cotton, and smoke tobacco. It avails them much more to be wise and brave, than to be in the fullest possession of foreign and exotic luxuries. Man has been exalted in the scale of being, not by the enjoyments afforded by these commodities, but by the impulse received from them, when they first appeared as new and rare objects of desire. Thus all his energies were called forth, new worlds opened to his view, and the whole sphere of his existence was expanded. The present pursuit, vain though it proved as to its primary object, has rewarded its followers with

like benefits. The naval energy—the spirit of enterprise—the love of knowledge and adventure, which Britain has displayed beyond any other people, have been greatly owing, we are persuaded, to the stern and severe struggles which she has so long maintained with the tempests and snows of the north. In no sphere of maritime enterprise, has there been exhibited loftier prowess, or more eventful vicissitudes. In regard to discovery, the regions thus brought to light are neither populous nor wealthy. But the human mind, imbued with a laudable desire of completeness in all its spheres of inquiry, could not remain tranquil, while the northern boundary of the greatest of all the continents, was lost in an unknown and mysterious termination.

This career being, by the results of the last expedition, come so very nearly to a close, a rapid sketch of the steps by which it has been brought to this issue, during the successive ages in which it continued to agitate the hopes and the fears of mankind, may not be without interest.

The first expedition of the Cabots, like that of Columbus, had the western passage to India for its main object. After discovering Newfoundland, the part of the mainland which was earliest reached by any European, they sailed a considerable distance, first to the north, and then to the south, in hopes of an open sea leading westward, but found themselves everywhere baffled by a continued barrier of coast.

Not long after Cabot, spirited attempts were made from Portugal, by two brothers, of the noble family of Cortereal; but neither ever returned to his native country. A third, who was preparing to set out in search of his lost kinsmen, was prevented by an express prohibition of the king, who thought that sacrifices enough had already been made in such a cause. The Cortereals appear to have sailed along the coast of Labrador, to which they first gave that name, and even to have looked into some of the passages leading up to Hudson's Bay. After the disasters of these two gallant and ill-fated youths, Portuguese zeal cooled; and, with the exception of the casual discovery of Brazil by Cabral, we are not much indebted to them for our knowledge of the new world.

The search in England after a north-west passage, as it was now called, did not commence seriously till the reign of Elizabeth. That princess, however, unless when inspired by the hope of solid and immediate profit, was not apt to lavish her treasures. It was with Frobisher himself, that the plan of an expedition first originated; and he spent fifteen years in soliciting, both in the city and at court, the means of equipping two little barks, or rather boats, of twenty-five tons each. With this miserable

craft, which would now-a-days be thought inadequate to navigate a frith, or inlet, on our own shores, he hesitated not, in 1576, to face the tempests of the northern deep. Frobisher employed three voyages in beating about the northern, or secondary passages, leading into Hudson's Bay, without ever discovering the main entrance into that great interior sea. Entangled in these narrow channels, always filled with masses of floating ice, he passed through a singular series of disasters, and never made any approach to the fulfilment of his original object. The zeal of the adventurers at home, however, was kept up by the discovery of a species of glittering mineral, then idly supposed to contain gold. Under this potent impulse, the Queen, who at first had given only smiles and courtesy, produced for the second voyage a tall ship of a hundred tons burden; while the third expedition, consisting of eleven ships, carried out the wooden materials of a fort, and provisions for a permanent colony of a hundred persons. But this voyage was the most disastrous of the three; the vessels were dispersed, and the planks of the future fort were suspended from their sides to defend them against the furious blows of the masses of floating ice. Every idea of settlement was abandoned, and the vessels, in a very shattered state, returned to Britain.

These three fruitless attempts produced a pause of disappointment; but the spirit of the nation again revived, and in 1586, a company of merchant adventurers sent out John Davis, who conducted three successive voyages with great discretion. He made it a particular study to conciliate the savage natives, for whose recreation he carried out a band of music, to which his crew danced, so soon as any Esquimaux appeared in view. Davis penetrated through the broad strait, which still bears his name; and, in his third voyage, reached its widest expanse, where there appeared an open sea, stretching to the westward; whence he returned full of very sanguine hopes. Three failures, however, had again exhausted the patience of his patrons; they were heard to say, 'This Davis hath made three voyages; why hath he not 'found the passage?' and he in vain solicited a fourth equipment.

Hudson established a name superior to that of any other northern navigator. He sought a passage, first, by the east, along the north of Asia; then by a daring route *across the pole itself*; and, lastly, when both these had failed, by the old route of the west. There he achieved a signal discovery, by entering the great Mediterranean sea, improperly called a bay, which bears his name. This, however, was in his last fatal voyage, in 1610, when the crew, impelled to deadly mutiny by a youth whom he had rescued from destruction, thrust out and abandoned him on these savage and desolate shores, where he doubtless perished. A

dreadful fate, by the hands of savages, overtook the chief perpetrators of this crime, and the ship was brought home by a party who asserted, though they did not fully satisfy the world, that they had been merely its passive and reluctant spectators.

Notwithstanding the tragic issue of this voyage, it afforded an opening too important to be overlooked in that enterprising age. In the following year, the adventurers sent forth Sir Thomas Button, an officer of merit, who having entered Hudson's Bay, pushed directly across its broad expanse, and believed himself in full career to the South Sea, when suddenly there appeared before him a long unbroken barrier of coast, which forbade all farther advance. He named it 'Hope Checked,' and returned after spending the winter in the same river and bay, which were afterwards occupied by the Hudson's Bay Company.

The adventurers, frustrated on this side, now determined to investigate thoroughly the sea entered by Davis, and of which no limit had yet been reached. This task devolved on Baffin, who, though he had not, according to Purchas, 'the gift of words,' was accounted the most scientific steersman of the age. Baffin, in 1616, reached the northern shore, situated in a very high latitude, and made the complete circuit of that sea, which has since been named Baffin's Bay; but it appeared to him to be encircled by a continuous range of coast, nowhere affording a passage into any sea beyond. When he came to Lancaster Sound, the future destined entrance into the Polar Sea, his patience, like that of Captain Ross two centuries afterwards, seems to have been exhausted, and unluckily at this very point he began to despair. Bestowing only a cursory view upon this opening, he returned home with the decided impression, which he communicated to the British public, that the passage sought for had no existence.

With Baffin terminated the early series of north-western discovery, which had been maintained with such courage and perseverance for forty years; and the question appeared to be settled in a manner unfavourable to the long-cherished hopes of the nation.

Meantime, similar efforts were not wholly wanting from the opposite side of America. This was the domain of Spain; who, as soon as she became mistress of Mexico, and while the spirit of adventure in her great captains was still in its vigour, showed no want of a disposition to engage in the boldest schemes of discovery. These were embraced with extraordinary ardour by Cortes, who hoped, by new and still greater achievements, to indemnify himself for the wrongs which he suffered from the jealousy of his sovereign, on whom he had already conferred benefits too vast to be received from a subject. He proclaimed his hopes of finding in

the unknown regions between America and India, kingdoms yet more wealthy than those which he had conquered in the new world. His letters to Charles V. are filled with the most sanguine anticipations, and hold out even the promise, that he will make him master of the whole world. Charles, certainly not insensible to any prospect of increased dominion, gave his fullest sanction to these projects, but yet devolved upon Cortes the task of defraying the cost out of his own treasures, for which he was to be remunerated only with the usual proportion of such as he might discover. Cortes accordingly fitted out several expeditions, one of which he commanded in person: But neither he nor his lieutenants could ever reach beyond the dreary and rocky shores of California, inhabited by a handful of naked savages, and yielding only a few pearls, which could in no degree repay the immense efforts which had been made in search of them.

Soon, however, a vision of unheard of splendour opened on the rulers of Mexico. Father Marco de Nizza, who had been sent on a northern mission, brought a report of seven mighty cities, whose lofty mansions had their doors studded with precious stones, while the meanest utensils were of gold and silver. A contest instantly arose between Cortes and the Viceroy, which should seize this brilliant prize; and though Cortes, by the grant of the Emperor, had the undoubted right, the Viceroy, having the power in his hands, would not allow such an opportunity to escape him. Assuming the entire direction of the enterprise, he dispatched Vasquez de Coronado, with a chosen body of troops, to take possession of this northern Eldorado. Coronado made his way across a thousand difficulties, and with the loss of a great part of his armament; when, having reached the desired spot, he discovered that the narrative of the worthy friar had been a string of lies from beginning to end. The kingdom of the Seven Cities was merely a cluster of villages in a tolerably fertile country, but which presented no such quantity of gold or precious stones as to be of the smallest importance. The dream of golden kingdoms vanished; but successive expeditions, under Cabrillo and Viscaino, were sent with instructions to examine the north-west coast, and even to pass through the supposed Strait of Anian into the Atlantic. Neither of these officers, however, could reach far beyond Cape Mendocino, in lat. 40 degrees; the dreadful attacks of the scurvy, a disease of which the nature and cure were then alike unknown, obliged them to return, not only without discovering the imaginary strait, but ignorant that it did not exist. The decrepitude into which the Spanish government soon afterwards sunk, and the mystery which, in fear and weak-

ness, it threw over all its transactions, at once diminished the number of these voyages of discovery, and prevented their results from ever reaching the world, unless by dubious and circuitous channels. One or two, however, though disclosed in an odd manner, appear to be authentic, particularly that of Juan de Fuca, who, passing through the straits which bear his name, re-entered the Pacific by Queen Charlotte's Sound, in lat. 50 degrees; but this, unless we give credit to the still more equivocal narration of De Fonte, seems to have been the farthest northern limit to which the Spaniards ever pushed their discoveries.

A deep veil still hung over the extremities of the Pacific, and the junction of the continents of America and Asia. This veil was lifted up by the exploratory genius of Cook. A premature fate, indeed, arrested that great navigator in the career of discovery; but he and Captain Clerke, who followed in the path marked out by him, saw the two continents, separated by Behring's Straits, and America stretching to the north and east. This voyage, by disclosing the immense breadth of America at this latitude, made the hopes of a western passage darker than ever. That continent had hitherto been conceived as terminating to the north in a point or cape, after passing which the navigator would find himself at once in the South Sea, and in full sail to China and Japan. Now, between the Atlantic and the Pacific, there was found to intervene a space of nearly three thousand miles, or a fourth of the circumference of the globe. Geographers, viewing the coast running northwards from Behring's Straits, and Hudson's and Baffin's Bays, all enclosed by land, received and constructed their maps under the impression that an unbroken mass of land reached onwards to the pole, and that all these boundaries were for ever barred against the navigator.

A new light, meantime, broke in suddenly from an opposite quarter. The Hudson's Bay Company had formed a settlement, with a view to the traffic in furs, for which this otherwise dreary region afforded ample scope. They obtained an exclusive privilege, of which they must indeed have made an ample use, if, as Forster alleges, for L.4000 of English goods, they obtained articles which sold in England for L.120,000. However, as is usual in companies so endowed, their affairs were far from flourishing. They had been taken bound by their charter, to use their utmost efforts for the discovery of the Strait of Anian and the north-west passage; yet it has been confidently averred, that their most strenuous exertions were directed to the prevention of any such discovery. They could not, however, prevent some efforts from being made. Knight, one of their

own servants, urged the matter with such zeal, that it was impossible to avoid fitting him out with two ships; but he never returned; and the whole of this expedition perished. Afterwards the Admiralty, instigated by a Mr Dobbs, who was seized with an enthusiastic zeal upon this subject, sent out Captain Middleton, an officer of spirit and enterprise, to explore that great opening in the northern part of Hudson's Bay, commonly called the Welcome. Middleton made some progress, but described his course as being at last arrested by a 'frozen strait,' through which there flowed a current coming apparently from the Atlantic, and rendering improbable the supposed connexion with any other sea. His report, however, gave rise at home to a fierce controversy. He was denounced by his own surgeon and clerk to Mr Dobbs, and by Mr Dobbs to the public, as a traitor, who, bribed by the Company, studiously counteracted the very object for which he had been commissioned. An extraordinary zeal was kindled in the nation. L.10,000 were subscribed to fit out a fresh armament, and parliament voted L.20,000 to the fortunate crew who should achieve the grand discovery. This new expedition, however, without penetrating so far as Middleton, found nothing at variance with his report, and the public ardour subsided. The real light from that quarter was obtained through the extensive rambles taken on land by the agents of the Fur Companies. Mr Hearne, sent in 1769 on a mission from Hudson's Bay, followed northward the course of a river now bearing his name, till at a point, hitherto supposed to exist in the most inland depths of America, he found *the sea!* Sir Alexander Mackenzie, acting for the North-west Company at Montreal, afterwards proceeded in the same direction to a point twenty degrees farther west, where he followed another river also to the sea. This double discovery gave an entirely new aspect to the geography of Northern America. It now became probable that, instead of an unbroken land, stretching into the depth of the Polar regions, there was a continuous ocean bounding it, at a latitude which did not absolutely preclude the hope of an open and regular passage.

These important observations, however, did not take immediate effect on the public. They seem, on the contrary, to have lain dormant, silently fermenting in minds which meditated on these subjects, till, early in this century, that remarkable exploratory zeal arose, of which the effects have been so important. Mr Barrow, himself eminent as a traveller, gave the first impulse both to the nation and the government, which embarked in this career with a steadiness, judgment, and, above all, an inflexible perseverance, of which there is no former example. Africa was

the first theatre; but the northern seas, which Mr Scoresby had already made an object of interest, soon attracted equal attention. This has led to a series of enterprises which have not, in point of practical result, differed materially from those formerly undertaken; but which have remarkably enlarged our ideas as to the form and structure of the globe, and made signal displays of the prowess and hardihood of British seamen. They are too recent, and too familiar, to call for any detailed narration; but it may not be uninteresting to collect into one view, a rapid outline of their general tenor and result.

The first of the series was destined, under the conduct of Captain Ross, to make the round of Baffin's Bay, and look more narrowly than that navigator was suspected to have done, into every sound and inlet which could afford an entrance either into the Pacific, or the grand Polar basin. Captain Ross was an officer of great merit, who had performed valuable services in the northern seas, yet was he not altogether of that pushing and adventurous turn which is necessary to find or force a way through these mighty barriers. He made the circuit of these shores like a skilful navigator, and brought a report, confirming all the observations of Baffin, and coming to the same conclusion, that there was a bay only, affording no farther passage. The wide entrance of Lancaster Sound had indeed been looked up into; but, at the distance of about twenty miles, its shores appeared to the eye to meet, and form an enclosed inlet. This conclusion, however, became the subject of much sceptical discussion. It was argued by those accustomed to naval perspective, that Captain Ross had not penetrated deep enough to form any sure judgment upon this point; and that a strait, even of considerable breadth, if winding or varied by capes, presents to the spectators the precise appearance of an enclosed arm of the sea. Such was the impression of Captain Parry, the second in command, who reported at home his sanguine hope, that by this channel would be found the long-sought-for passage.

The views of the Admiralty coincided entirely with those of Captain Parry, whom they immediately sent out with the command of a fresh expedition. The result was brilliant; Captain Parry found all his predictions fulfilled, and through Lancaster Sound penetrated into the grand basin of the Polar sea! Here he coasted along, not America, but ranges of large islands, which narrowed the sea through which he sailed into little more than a broad strait, communicating only by inlets with whatever sea might lie beyond. These inlets, however, were so blocked up with ice setting in from the westward, that Captain Parry, in the course of two seasons, vainly attempted to make his way through

them, and was obliged to return, with only the glory acquired by having penetrated so much farther than any former navigator.

The Polar basin being now ascertained to exist, another voyage was planned, with the view of entering it by a different approach. Hudson's Bay had not yet been fully explored. Middleton had, indeed, described his progress as arrested by a frozen strait; but this might be only a casual obstruction—and his testimony had been extremely questioned at the time. Captain Parry undertook the adventure with his usual alacrity; and in the middle of August arrived at the boundary which arrested Middleton. The testimony of that navigator was then found to be exceedingly faithful; and his Frozen Strait by no means undeserving the name. However, the new adventurers worked their way through it, and after going over and verifying the observations of Middleton upon several of the sounds and inlets, proceeded to the examination of the coasts beyond. They were soon interrupted by the setting in of the Arctic winter, and with some difficulty sawed their way through the ice to a station in which the vessels could pass in safety that rigorous season. Next summer they proceeded northward along a large mass of land, which they named Melville Peninsula. At last they arrived at a strait, which, by land surveys, was found to lead into the wide and open basin of the Polar Sea; but it was so blocked up by ice driven into it by the western currents, that every attempt to penetrate was wholly abortive.

Captain Parry was sent out a third time, on his first line of discovery, to make trial of a broad channel leading to the south, which, amid others that appeared more promising, had obtained before only a very superficial notice. This voyage failed, less from any absolute barrier opposed by nature, than from the dreadful concussion sustained from a field of ice by one of the ships, which produced the necessity of abandoning it, and carrying home its crew in the other vessel.

Although it had been thus established, that there was a Polar basin, and a great ocean, bounding the whole northern shore of America, and this even in no very inaccessible latitude, yet there was an end to all hope of a regular and practicable passage between the Atlantic and the Pacific. The former was cut off from the Polar Sea by a continuous crowd of large islands, separated only by narrow channels, in which the masses of floating ice always lodge, and into which they are even driven by the current which seems constantly to set in from the westward. Doubtless, after multiplied trials, one vessel might pass in some fortunate conjuncture; but this would be a very empty boast; and no merchant, assuredly, would forego his sure and beaten track,

for another where there would be ten chances to one against ever reaching his destination. It was only, then, along the shore, and by boats, that there could be a reasonable hope to explore and delineate this hitherto unknown boundary of the western world.

This mode of investigation, accordingly, had not been neglected. Contemporaneous, and combined with, Captain Parry's second voyage, a land expedition had been sent from Hudson's Bay, under Captain Franklin, with the hope, that the two parties might fall in with and give aid to each other in their perilous search. Captain Franklin, after spending the winter on the northern lakes, reached, in summer, the mouth of the Coppermine river, and spread the first sail on the Arctic ocean, which bounds Northern America. Navigation, however, is necessarily slow on an unknown, winding, and embayed coast; where it cannot be guessed what is bay, and what strait,—what is continent, and what island,—and where these questions must be resolved often by lengthened and tedious experiment. This coast happened, too, to be very deeply indented; and, when they had run into the farthest depth of Coronation Gulf and Bathurst Inlet, they came to a point which the season rendered it necessary to call Turn-again,—although it was not above two hundred miles from the spot on which they had first launched on the Arctic ocean. Their provisions were nearly consumed; and hoping, in their return, to abridge the wide circuit which the outward course had made, they struck across the unknown interior towards their winter-quarters on the Athabasca lake. This was a tempting, but, perhaps, an imprudent step. With time and means so severely limited, it would probably have been safer to have taken even a considerable circuit, of which they had traced every step, than to have plunged into the absolutely unknown tracts of a region beset with such peculiar perils. The gloomiest anticipations which could have been formed, were much more than fulfilled by the issue. Entangled in a barren and desolate country, intersected by rapid torrents and impassable lakes, they were soon forced to abandon their boats, and all their equipments, and finally reduced to those fearful extremities, which have rendered their story so tragic, and excited so deeply the interest of the British public.

After so dreadful an experiment it might have been, and it was expected, that those concerned would have judged themselves to have gone deep enough into the exploration of the Arctic shores. Government accordingly appears to have felt in this way, and to have neither asked nor expressed a wish that the Company should resume the undertaking. Those enterprising

persons, however, of their own accord, presented a new plan, by which they hoped to complete the discovery of that great range of coast, which still remained in a state of obscurity discreditable to the age and country. It was now arranged, that Captain Franklin and Dr Richardson should descend the Mackenzie river, and thence diverge in opposite directions; one westwardly towards Icy Cape, where his discoveries would be connected with those of Cook, and the relations between Asia and America fully ascertained; while the other was to proceed eastward to the mouth of the Coppermine river, the western limit of the late expedition, by which they would connect together the whole of this range of discovery. Since they were willing again to encounter these perils, which it was hoped experience might aid them in escaping, government closed with their proposition, and fitted them out, in a very ample manner, with boats specially constructed for this navigation, and with provisions for two years. This is the expedition the result of which is now given to the public.

The main body, on this occasion, proceeded not as before from Hudson's Bay, but from New York, by way of Lake Huron;—a more circuitous, but more easy, and in several respects more commodious route. Boats and supplies, from Hudson's Bay, came to meet them; and with such spirit was the journey prosecuted, that they reached their winter-quarters on Great Bear Lake, five weeks before the season could be considered as closed. This interval was used by Captain Franklin in making an excursion to take a view of the sea, upon which, in the following summer, the grand navigation was to be performed. He enjoyed, accordingly, a satisfactory view of the Polar ocean, spreading before him its magnificent expanse, unencumbered with ice, and without any obstructions which could cause alarm as to the success of next year's undertaking.

The expedition left their winter station early in June, when the relenting season first admitted of travelling; but, through various unavoidable obstructions, did not till the third of July reach the point where their routes were to separate, and whence they were to proceed, in opposite directions, on this plan of connected discovery. In the course of the next two months they had completely surveyed an extent of thirty-five degrees of longitude, of which no point except one had before been touched at by any European. With the aid of oral information, they ascertained, and brought pretty completely within the domain of geographical science, this important boundary of the largest of the three continents.

Captain Franklin, however, was unable to reach his ultimate

destination. Through the various causes of detention on these encumbered shores, and particularly the heavy and continued fogs, the sixteenth of August had arrived, when they had made only ten degrees of longitude, or half of their way to Kotzebue's Inlet, where Captain Beechey with the Blossom, passing beyond Icy Cape, was prepared to receive them. Yet symptoms of approaching winter were already perceived. The sun set at eleven o'clock,—thick ice was formed during the night,—and the flocks of geese commenced their autumnal flight to the southward. It was obvious, therefore, that Kotzebue's Inlet could only be reached this season, on the very improbable supposition, that in all this great range of unknown coast, no obstacle should intervene to stop their progress. It was evidently a thousand to one that this would not be the case; and, if they met but one half of the impediments they had already encountered, they must inevitably be overtaken by the polar winter, when any attempt to return would in all likelihood have exceeded the measure even of their former disasters. It was a matter, therefore, not so much of prudence as of necessity, to renounce this bold and hopeful attempt at completing the round of America, and to take measures for securing their return. Intelligence afterwards received from the Blossom completely justified this resolution. Captain Beechey had advanced considerably beyond his appointed station in Kotzebue's Inlet; and, when the ship could proceed no farther, he sent forward a boat, which reached to 156° 21′ west longitude, or about 160 miles from the point, in 149° 37′, whence Captain Franklin turned back. There it found a narrow neck, or *spit*, as it is termed, of land, which ran suddenly out into 71° 23′, forming, so far as yet known, the most northerly point of America. The ice, however, had grounded on it so heavily, that the boat was not only unable to proceed, but even to extricate itself. It was, therefore, deliberately sunk, in hopes of being fished up in some future voyage, and the crew made their way overland to the ship.—Meantime, Dr Richardson, more fortunate than his associate, completed the line marked out for him,—reached the mouth of the Coppermine river,—and thence the shores of Bear Lake; where, after a somewhat alarming delay, he was met by a boat appointed to be in waiting, and conveyed to the wintering station.

Such are the important general results of this last expedition, into the details of which we do not feel much temptation to enter. The character of these shores is marked by a vast and dreary monotony. There is little to distinguish one from another, among the range of naked and frozen capes, and ice-encumbered inlets, through which the expedition was doomed to wind

its toilsome and perilous way. Our travellers, excellent nautical observers, do not seem to have felt much of those poetical impressions which sometimes give so brilliant a colouring to the narratives of voyages of discovery, and which may even arise in the minds of many readers, in musing on these dark and distant shores,—the solitary grandeur of the objects which border them, —and the dark mists through which they are descried. In truth, the severe realities which press on an Arctic navigator, and place life itself in almost hourly jeopardy, are not quite so favourable for this play of the fancy as the circumstances under which we peruse his narrative by our comfortable firesides. The rocks, headlands, and icy pinnacles, seen dimly through mist, are to him but sources of anxiety, remembrancers of peril, or calls to excessive toil; and, when forced to bear up among breakers, or to watch the drifting of the midnight ice, he is probably in the very worst of all possible moods for dwelling upon their picturesque appearance, or sublime effect. The very safety produced by their laudable vigilance and successful labours, renders the history of their adventures less intensely interesting.

The most remarkable natural feature seen in this voyage, and which accompanied Captain Franklin in his whole progress westward, is the prolongation of the Rocky mountains. This immense chain, after crossing, under various denominations, the whole length of America from north to south, turns here to the westward, and faces the ocean. These mountains were always separated from the coast, however, by a level and swampy plain of considerable extent, which prevented the expedition from subjecting them to very close examination or survey. Nothing almost was left of that lofty and formidable aspect which they present on the plains of Quito or Mexico, or even on the shores of the northern Pacific. They appeared even no longer as one great continuous chain; but in successive groups, each separated by a certain interval from the other. Those bordering on the Mackenzie river did not rise higher than two thousand feet; and Mount Conybeare, the only peak reached from the sea-coast, did not exceed eight hundred feet. At the point where Captain Franklin's navigation terminated, they had either sunk entirely, or receded so far to the south as to be no longer visible. It seems not improbable, however, that those seen may be only branches, or spurs, from loftier and more continuous ranges in the interior; since lateral views, obtained at the end of the ranges, showed a succession of chains behind each other, with separating valleys,—and one Indian interpreter reported fifteen successive chains, as intervening between the Mackenzie river and the ocean.

The coast surveyed by Dr Richardson between the Mackenzie and Coppermine rivers, has no such remarkable feature, yet is, in general, of a bolder character, presenting cliffs that rise to the height of several hundred feet. The most striking phenomenon upon this coast is *its burning* cliffs, which were seen in several places, and often on a great scale, giving out their warm vapours to mingle with the freezing air of the icy sea. The process is chemical, taking place in a species of bituminous shale, impregnated with sulphur existing in a state which causes it to have a strong attraction for oxygen, and thus often gives rise to spontaneous combustion. The result is the formation of alum, of which these rocks form thus a vast natural manufactory.

The Esquimaux were found in the exclusive occupation of the whole range of coast traversed by both expeditions. They agreed with those observed by Captain Parry, and with those of Greenland, not only in visage, form, and habits, which might have been formed by similarity of circumstances, but in language, which leaves no doubt that this one original race peoples the whole shores of the icy sea. Yet they present themselves here under some peculiar aspects. A greater number exist together, and they have arrived at some forms of polity unknown to the wandering natives of Melville Peninsula. One village, visited by Dr Richardson, was found to contain a tolerably large building, with an apartment twenty-seven feet square, apparently intended for the assembly-room of the tribe. They approach in other respects more nearly to the character of the Indian savage, being imbued with a fierceness and propensity to violence unknown to the good-humoured visitants of Winter Island. They made repeated attempts to possess themselves of the splendid treasures which they saw in the boats; knives, nails, hooks, hatchets, bits of iron, and blue beads. On the very first meeting at the mouth of Mackenzie river, there took place a very formidable encounter, the particulars of which are so singular, that they shall be given in Captain Franklin's own words. After various forms of begging and stealing, they at length retired to arrange a plan of attack, the first step of which was to drag the boats on shore.

'As we neared the beach, two oomiaks full of women arrived, and the vociferation was redoubled. The Reliance was first brought to the shore, and the Lion close to her a few seconds afterwards. A numerous party then drawing their knives, and stripping themselves to the waist, ran to the Reliance, and having first hauled her as far up as they could, began a regular pillage, handing the articles to the women, who, ranged in a row behind, quickly conveyed them out of sight. Lieutenant Back

and his crew strenuously, but good-humouredly, resisted the attack, and rescued many things from their grasp, but they were overpowered by numbers, and had even some difficulty in preserving their arms. One fellow had the audacity to snatch Vivier's knife from his breast, and to cut the buttons from his coat, while three stout Esquimaux surrounded Lieutenant Back with uplifted daggers, and were incessant in their demands for whatever attracted their attention, especially for the anchor buttons which he wore on his waistcoat. In this juncture, a young chief, coming to his aid, drove the assailants away. In their retreat they carried off a writing-desk and cloak, which the chief rescued, and then seating himself on Lieutenant Back's knee, he endeavoured to persuade his countrymen to desist by vociferating *teyma, teyma*, and was indeed very active in saving whatever he could from their depredations. In a short time Duncan called out to me that the Esquimaux had now commenced in earnest to plunder the Lion, and I found the sides of the boat lined with men as thick as they could stand, brandishing their knives in the most furious manner, and attempting to seize every thing that was movable; while another party was ranged on the outside, ready to bear away the stolen goods. The Lion's crew still kept their seats, but as it was impossible for so small a number to keep off such a formidable and determined body, several articles were carried off.

'In the whole of this unequal contest, the self-possession of our men was not more conspicuous than the coolness with which the Esquimaux received the heavy blows dealt to them with the buts of the muskets. But at length irritated at being so often foiled in their attempts, several of them jumped on board, and forcibly endeavoured to take the daggers and shot-belts that were about the men's persons; and I myself was engaged with three of them who were trying to disarm me. Lieutenant Back, perceiving our situation, and fully appreciating my motives in not coming to extremities, had the kindness to send to my assistance the young chief who had protected him, and who on his arrival drove my antagonists out of the boat. I then saw that my crew were nearly overpowered in the fore part of the boat, and hastening to their aid, I fortunately arrived in time to prevent George Wilson from discharging the contents of his musket into the body of an Esquimaux. No sooner was the bow cleared of one set of marauders, than another commenced its operations at the stern. My gun was now the object of the struggle, which was beginning to assume a more serious complexion, when the whole of the Esquimaux suddenly fled, and hid themselves behind the drift timber and canoes on the beach. It appears that by the exertions of the crew, the Reliance was again afloat, and Lieutenant Back wisely judging that this was the proper moment for more active interference, directed his men to level their muskets, which had produced that sudden panic. The Lion happily floated soon after, and both were retiring from the beach, when the Esquimaux, having recovered from their consternation, put their kayaks in the water, and were preparing to follow us; but I desired Augustus to say that I would shoot the first man who came within range of our muskets, which prevented them.

'I cannot sufficiently praise the fortitude and obedience of both the boats' crews, in abstaining from the use of their arms. In the first in-

stance, I had been influenced by the desire of preventing unnecessary bloodshed; and afterwards, when the critical situation of my party might have well warranted me in employing more decided means for their defence, I still endeavoured to temporize, being convinced that as long as the boats lay aground, and we were beset with such numbers, armed with long knives, bows, arrows, and spears, we could not use fire-arms to advantage. The howling of the women, and the clamour of the men, proved the high excitement to which they had wrought themselves; and I am still of opinion, that mingled as we were with them, the first blood we had shed would have been instantly revenged by the sacrifice of all our lives.'

On another occasion, when one of the boats in Dr Richardson's expedition had been stranded, a similar plan of attack seems to have been fully matured, and was only averted by a general presentation of muskets. They seem to have been much emboldened in many instances by a belief, that the British sailors were females! Among the Esquimaux, the women only row; and on seeing our men thus employed, they were led into this very odd mistake. One of them even asked if all the white women had beards.

The *nomenclature* of the frozen regions is a task which has exercised the ingenuity of all their explorers, from Frobisher downwards. On the Oriental and other civilised coasts, the native names, modified so as to become less grating to our ears, have been almost universally retained. This system certainly gives to the places so named, the most genuine and local stamp. On the northern shores, however, the limited intercourse with the natives, and ignorance of their language, have prevented any general adoption of it. To Captain Parry's intimate communications with the Esquimaux, we are, however, indebted for Amitioke, Ooglin, Owlittewek. But, in general, British names have been given to the whole range of the Arctic coasts. When the discoverer chooses to connect his own name with his discovery, his claim cannot be for a moment disputed. Hudson's and Baffin's Bays, Davis' and Frobisher's Straits, hold their titles by indefeasible right. We would not even complain, when he gives to the object a name expressive of its aspect, or of the impression produced on his mind; as Cape Comfort, Cape Desolation, Cape of God's Mercies; nor even when he makes it express the varied emotions which agitated his mind in the course of his adventurous career, as Resolution Point—Hold with Hope—Hope Checked. But the complimentary system is that which seems now universally established. The discoverer distributes his capes, his gulfs, and his islands, among his patrons, or on such eminent men as he thinks to have deserved well of science and of the world. It does not seem very possible, even here, to dis-

pute the dearly-acquired right of distributing the immortality which a northern cape can confer. Yet this crowd of familiar names produces an impression which does not well harmonize with that inspired by these dark and distant boundaries of the earth. In particular, we would suggest, whether our Peers and Statesmen, as they now stand in full array facing the northern ocean, should not lay down those conventional titles by which they are recognised in court and city. Sir G. Clerk's island, Sir P. Malcolm's river, Sir H. Martin's point, do not seem at all in good keeping with the place and scene. Reflecting farther upon this subject, we could not help amusing ourselves with considering, how far the late revolutions in the cabinet, had they been known in due time, might not have acted upon the nominal destinies of the Arctic world. We would by no means insinuate, that the descent of Lord Goderich and Mr Huskisson from their stations in the ministry, would have precipitated them from those which they still hold in the range of the Rocky mountains. But we do pretty confidently surmise, that we should have had Wellington Gulf, Anglesea Cape, and Murray's Inlet; and really, on looking round the shores of this newly-discovered world, we cannot but feel some wonder, that none of the heroes of Waterloo should have had their names inscribed in it.

It would be unfair to dismiss this volume, without noticing the extreme beauty of those views of Arctic scenery with which it is both illustrated and embellished. They supply, in a great measure, the absence of picturesque description, and delineate with singular truth, the striking peculiarities which distinguish the aspect of these regions from that of the temperate climates.

But another part of our task yet awaits us. We must follow Captain Parry in his more daring expedition, almost contemporaneous with that of Captain Franklin, of which the object was, to reach the point of the earth farthest removed from mortal view,—the centre of the regions of ice and snow,—the Pole of the earth.

The scheme of penetrating to India across the pole is by no means of recent origin. In 1527, Mr Robert Home, one of the chief adventurers in the first voyages to America, and a main instrument in the discovery of Newfoundland, wrote a treatise to prove its practicability, and offered his substance in aid of the undertaking; but the scheme, even in that enterprising age, appeared too daring. The discussion was revived on several subsequent occasions; but the first actual attempt was made by the bold genius of Hudson. He directed his course to Spitzbergen, and penetrated farther north than any preceding navigator, and

nearly as far as any previous to Captain Parry; but the barrier of ice was found by him to be too strong. Yet the merchant adventurers afterwards sent out one James Poole twice to Cherry Island, with some ulterior aim at the pole; but in neither case with any effect. Fotherby and Baffin were employed by the same body, and made vigorous efforts, which were also arrested nearly at the same point with Hudson.

A long pause of polar enterprise ensued, till, in 1773, the Royal Society, with a view to the improvement of science and curiosity only, solicited an expedition, which might make as near an approach as possible to the pole. Captain Phipps, afterwards Lord Mulgrave, was dispatched on this mission, and reached without difficulty the northern shore of Spitzbergen. Here, however, in coasting along for ten degrees of longitude, he found a compact and impenetrable body, which he called the main ice; and he communicated to the public the idea, that a fixed icy barrier, at a little beyond eighty degrees, arrested all navigation to the northward. Mr Daines Barrington, however, endeavoured to support an opinion already advanced by Frobisher, that ice is formed only upon or in the vicinity of land, and that an open and deep sea most probably afforded, even under the pole itself, a free scope for navigation.

In the late era of enterprise, it was natural that this scheme also should be revived. Colonel Beaufoy republished Mr Barrington's essay, with additional observations; and its doctrines obtained favour in the most influential quarters. At the same time that Captain Ross was fitted out for Baffin's Bay, Captain Buchan, in the Dorothea, and Lieutenant Franklin, in the Trent, were appointed to steer towards Spitzbergen, and endeavour to achieve that in which Hudson and Mulgrave had failed. But, exposed to an accidental concussion from the ice, Captain Buchan's vessel was disabled, and he was obliged to return, without having given any fair trial to the project. The attempt was not renewed. A prolongation of Arctic experience showed, that the opinion on which it rested was unfounded; and that ice, though of a softer and looser texture, may be formed even on the most open sea. Another mode of approach, therefore, was now to be attempted.

Mr Scoresby, in a paper submitted to the Wernerian Society, first started the idea of a journey to the pole, conducted as a land journey, over the frozen surface of the ocean. This idea, at first treated in high quarters as chimerical, was afterwards taken up, and matured into a plan, of which Captain Parry himself undertook the execution.

Captain Parry was fitted out most amply with whatever could

promote the success of this daring expedition, and secure every measure of comfort compatible with its nature. Two boats, or waggons, calculated either for sailing or drawing, were constructed in such a manner, as to combine the greatest possible strength and lightness. Being formed of a succession of thin planks, of tough and pliant timber, with layers of felt and waterproof canvass interposed, they were found to combine strength and buoyancy in a degree which fitted them admirably for the hard duty to which they were called. They were stocked amply with flannel shirts, frocks, drawers, comforters, and with thick fur suits for sleeping in. The provisions, which may be the subject of some farther observation, consisted of biscuit, pemmican, cocoa powder, and a small allotment of the strongest rum. The fuel consisted exclusively of spirits of wine.

Captain Parry moved down the Thames on the 25th March, touched at Hammerfest in Norway, and arrived on the 12th May at Hackluyt's Headland, near the north-western extremity of Spitzbergen. The commodious harbour, however, which had been here expected, was blocked up by an impassable barrier of ice; and more than a month, the best of the season, was consumed, in beating along the coast of Spitzbergen in search of a station, where the ship could be placed in safety, and might certainly be found on the return of the boats. At length, a commodious lodgment was effected in Hecla Cove, at the bottom of a bay laid down in the Dutch maps, under the name of Treurenberg. Then, on the 21st June, the adventurers, after the usual salutation of three cheers, got into their boats, and made direct for the great body of the northern ice, which they entered on the 23d. The details of this perilous and dreary journey over ocean and ice, and in a sphere beyond that of habitable existence, are few, but striking.

'Our plan of travelling being nearly the same throughout the excursion, after we had first entered upon the ice, I may at once give some account of our mode of proceeding. It was my intention to travel wholly at night, and to rest by day, there being, of course, constant daylight in these regions during the summer season. The advantages of this plan, which was occasionally deranged by circumstances, consisted, first, in our avoiding the intense and oppressive glare from the snow during the time of the sun's greatest altitude, so as to prevent, in some degree, the painful inflammation in the eyes, called snow-blindness, which is common in all snowy countries. We also thus enjoyed greater warmth during the hours of rest, and had a better chance of drying our clothes; besides which, no small advantage was derived from the snow being harder at night for travelling. This travelling by night, and sleeping by day, so completely inverted the natural order of things, that it was difficult to persuade ourselves of the reality. Even the officers and myself, who were

all furnished with pocket chronometers, could not always bear in mind at what part of the twenty-four hours we had arrived; and there were several of the men who declared, and I believe truly, that they never had been able to distinguish night from day during the whole excursion.

'When we rose in the evening, we commenced our day by prayers; after which, we took off our fur sleeping dresses, and put on those for travelling. We made a point of always putting on the same stockings and boots for travelling in, whether they had dried during the day or not; and I believe it was only in five or six instances at the most, that they were not either still wet or hard frozen. This, indeed, was of no consequence, beyond the discomfort of first putting them on in this state, as they were sure to be thoroughly wet in a quarter of an hour after commencing our journey; while, on the other hand, it was of vital importance to keep dry things for sleeping in. Being "rigged" for travelling, we breakfasted upon warm cocoa and biscuit; and after stowing the things in the boats and on the sledges, so as to secure them as much as possible from wet, we set off on our day's journey, and usually travelled from five to five and a half hours, then stopped for an hour to dine, and then travelled four, and even six hours, according to circumstances. After this, we halted for the night, as we called it, though it was usually early in the morning, selecting the largest surface of ice we happened to be near, for hawling the boats on, in order to avoid the danger of its breaking up, to come into contact with other masses, and also to prevent drift as much as possible. The boats were placed close alongside each other, with their sterns to the wind, the snow or wet cleared out of them, and the sails, supported by the bamboo masts and three paddles, placed over them as awnings, an entrance being left at the bow. Every man then immediately put on dry stockings and fur boots, after which we set about the necessary repairs of boats, sledges, or clothes; and after serving the provisions for the succeeding day, we went to supper. Most of the officers and men then smoked their pipes, which served to dry boats and awnings very much, and usually raised the temperature of our lodgings 10° or 15°. This part of the twenty-four hours was often a time, and the only one, of real enjoyment to us; the men told all their stories, and fought all their battles over again, and the labours of the day, unsuccessful as they too often were, were forgotten. We concluded our day with prayers; and having put on our fur dresses, lay down to sleep with a degree of comfort, which, perhaps, few persons would imagine possible under such circumstances.

'As soon as we arrived at the end of a floe, or came to any difficult place, we mounted one of the highest hummocks of ice near at hand, (many of which were from fifteen to twenty-five feet above the sea,) in order to obtain a better view around us; and nothing could well exceed the dreariness which such a view presented. The eye wearied itself in vain, to find an object but ice or sky to rest upon; and even the latter was often hidden from our view, by the dense and dismal fogs which so generally prevailed. For want of variety, the most trifling circumstance engaged a more than ordinary share of our attention; a passing gull, or a mass of ice of unusual form, became objects which our situation and circumstances magnified into ridiculous importance; and we have since

often smiled, to remember the eager interest with which we regarded many insignificant occurrences. It may well be imagined, then, how cheering it was to turn from this scene of inanimate desolation to our two little boats in the distance, to see the moving figures of our men winding with their sledges among the hummocks, and to hear once more the sound of human voices breaking the stillness of this icy wilderness.'

In this painful struggle against the most formidable of the elements, every individual of the party seems to have displayed all that zeal and perseverance which was to be expected from British seamen, in an enterprise, the success of which would have been so glorious to them. The result, however, did not correspond either with the amount of the means prepared, or the vigour and spirit with which they were employed. The utmost latitude at which they arrived fell short of eighty-three degrees; and consequently, though the highest, probably, ever attained by man, it comprised only a small part of the progress towards that high boundary, which it was their object to reach.

What conclusion, then, are we to draw from so signal a failure, in which the skill, intrepidity, and enthusiasm of British seamen, in their utmost exertion, failed in even an approach to the accomplishment of their object? Must the hope be finally renounced of ever reaching that grand boundary of nature? Must we seek no more to invade the secrets of that vast and awful domain, which has remained for so many ages unexplored by mortals?

We do really feel a considerable interest in this question—and would not willingly give a discouraging answer. There is something sublime in the idea of reaching this high and solitary pinnacle of nature, and looking down at once upon both hemispheres. To the glories which already circle the brow of Britain, it were something to add that of first reaching the pole of the earth. Pondering the subject under these impressions, and comparing together the two plans, one pursued by Captain Parry, and the other recently proposed by Mr Scoresby, we do not feel exactly satisfied with either; and shall therefore venture to suggest a third, by which there does seem to us to be a fair hope, without any very mighty difficulty or danger, of bringing to a happy issue this extraordinary adventure.

In regard to the course pursued by the late expedition, although it would be excessively unfair to impute blame to those who engaged in it with such slender experience, it seems fully ascertained that its mere repetition would issue in a repetition of failure. Other seasons and other points might be somewhat more favourable; But the rugged and irregular surface, the

sinking and unstable nature of the icy ground on which they trode, its almost constant movement to the southward, carrying them in the very opposite direction from that to which they were tending—these would, in every instance, be enough to baffle any effort which could be made for the completion of the undertaking.

Mr Scoresby's proposition is therefore to be considered; and it deserves certainly the most attentive and respectful examination. To Mr Scoresby belongs the merit of having first drawn the attention of mankind to the possibility of accomplishing this grand enterprise; and he now comes seasonably forward, after so great a disappointment, to revive our drooping hopes. Nothing can be more superfluous than Mr Scoresby's apologies for treating a subject on which, we do sincerely believe, that he is better entitled to speak than any man alive. The three particulars in which he proposes to modify the plan recently followed, are with regard to the materials and consequent weight of the Boats—the Meridian on which the journey was attempted—and the Season in which it was performed.

The weight of the boats, amounting to three quarters of a ton, is considered by Mr Scoresby as alone sufficient to defeat every hope of success. The only fitting conveyance, in his view, would be a 'sledge consisting of slender frames of wood, with 'the ribs of some quadruped for lightness and strength, and 'coverings of water-proof skins or other materials equally light.' He holds forth as a pattern the omiack, or women's boat, of the Greenlanders, which will contain from ten to twenty people with furniture and fishing implements, yet which six or eight men can take up on their heads, and carry across any point of land which interrupts their progress. Now, with the utmost deference to Mr Scoresby, we must say that we feel not a little alarm at the idea of facing the polar tempests in this huge leathern bag, which the Greenland matrons may indeed contrive to row hundreds of miles between the ice and the land, but which could never be expected to sustain any violent shocks or concussions. Yet it could not be assured of not having to encounter an open and even a stormy sea, either in the circumpolar regions, or, at all events, in the ultimate run to regain the ship. Besides, if the boat was three quarters of a ton, the provisions and other equipments were a ton and upwards; so that no reduction upon the former could render the entire weight at all so manageable as that of the Greenland fishers. Such as it was, it proved not more than could be dragged with tolerable ease by fourteen stout British seamen over any ground that was not excessively rugged.

Mr Scoresby, however, proposes that the boat shall be dragged not by human force, but by the rein-deer, that most useful traveller over the snows of the north. A single suggestion of Captain Parry's seems, however, fatal to this proposition. The rein-deer requires at least four pounds of moss in the day; to supply which to eight animals during ninety days, it would be needful to carry an additional weight nearly equal to that of the boat and all its other contents. The entire drag would thus be doubled, and would be placed, we fear, beyond the reach either of men or rein-deer to move over so arduous a route. It is but fair, however, to observe, that Mr Scoresby contemplates, with these faithful animals, a swiftness of movement which would give a new character to the whole undertaking. His original scheme actually specifies a fortnight as the period in which they might fly over the whole space to and from the pole! Could this be relied upon, the equipment might no doubt be so much reduced, as to oppose no obstacle to the most rapid movements. This, however, would really be carrying the pole by a coup-de-main; and though it is not perhaps absolutely impossible, yet we cannot but think that it would be playing much too deep a game to set out on such a calculation. Supposing that by some of the many accidents which it is impossible to foresee, these animals should break down at an advanced stage of their career, how were the biped adventurers, thus slenderly equipped, victualled perhaps but for seven days—to retrace their slow and difficult path? If any of the adventurous sons of Britain choose to make a dash at the pole in this style, at his peril be it; but we, as sober journalists, addressing a people justly chary of the lives of her sons, dare not recommend this headlong drive over the polar snows. To us a sure and steady, though slower and more laborious movement, appears preferable; and it therefore seems very hazardous to attempt any material reduction in the equipments provided for Captain Parry's expedition.

The Meridian on which the expedition moved, is another point to which very great importance is attached by Mr Scoresby. It is obvious, however, that a meridian, as such, can have no influence on the character and surface of the ice which extends along it. Mr Scoresby could not have meant to convey such an idea; and the expression which seems to import it, must be allowed not to be very well chosen. All that can be said is, that the southern extremity of the polar ice, which is alone open to observation, is more level at one point than another; but it is obvious that this does not afford the most slender presumption that this level character will extend along its interior in any direction. The state of the ice appears at all points to be exces-

sively fluctuating, modified by the varying action of winds, currents, and storms. Mr Scoresby, in the journal of his last voyage along a very westerly meridian, nowhere describes the ice as in a very much smoother state than it was found by Captain Parry. There is one view, indeed, in which we should be rather afraid of a very westerly meridian. The great features of the globe have usually a certain continuity; there is reason therefore to apprehend, that where a line of coast has been continued far in one direction, it will be prolonged still farther. But as the continent, or the continuous archipelago of islands, which we call Greenland, stretches for twenty degrees from Cape Farewell in a line of which the general direction is north-east, it is more probable than otherwise, that it will maintain that line farther, and perhaps even to the pole itself—which if it does, it will cross the path of the travellers moving in any meridian west of Spitzbergen. Now the encounter of rugged and mountainous land, such as Greenland almost invariably is, forms almost the only obstacle which would be absolutely insurmountable.

Mr Scoresby finally points to the Season at which the expedition set out; and here, we think, he does touch upon the main cause of its failure. Almost all that train of disaster, which rendered the best efforts of the travellers abortive, seems referable to the progressive conversion from solid to fluid of the surface upon which they moved. It is a fact which could scarcely have been foreseen, that every step through which ice passes in dissolving, till it arrives at that of water, renders it more and more rugged. First, when the fields separate, the pressure of the sides against each other, produced by wind and tide, squeezes them up into hummocks of ten, twenty, or even forty feet high. Then, as the ice is penetrated by rain at various points, the undissolved portion rises in pointed prisms, which, becoming always smoother and sharper, arrive finally at a state in which they have been compared to clusters of vast penknives. Next, the surface on which the traveller treads is perpetually sinking beneath him, the snow converted into a pulp causes him to plunge up to the knee; the surface of the ice breaks, and the sea opens under his feet. Lastly, while he is moving northward, the ice on which he travels, having lost its continuity, is by the prevailing northerly gales carried to the southward, and drifts him along with it, so that, after several days of laborious journeying to north, he will find himself farther south than when he began.

For these and other reasons, we entirely agree with Mr Scoresby, that the season at which the last expedition set out was inevitably fatal to its success, and must be so to that of every one undertaken in similar circumstances. But we doubt

the sufficiency of his proposed remedy; which is, to set out by the middle of May, or, at the earliest, by the end of April. This might be fitted to his own expectation of galloping out and back in three weeks, but not to our more sober estimate, which extends to three months. The favourable season would comprise only a small part of this period, and then would begin all the disastrous circumstances which occasioned the recent failure. Indeed, June being the month in which the grand disruption of the polar ices usually takes place, might perhaps be formidable beyond any other. It appears also singularly perilous, that the expedition should go out in one state of the polar regions, and return in another state. The main security, that whatever ground they had once traversed they could traverse again, would be lost. They might find obstacles rising, or abysses opening, of which, in their progress outwards, they could not suspect the existence.

This leads directly to the exposition of the plan by which, in our conception, a polar expedition might proceed with the fairest chance of success. We would start at the first dawn of the Arctic morning, as soon as the sun's disk, beginning to circle along the verge of the horizon, had broken the long wintry midnight, in which these regions had been involved. The travellers could thus go out, *and return*, before the chains of ice, by which the whole Arctic world was bound into one solid mass, could be materially loosened. Every thing would be sure, fixed, and solid. The two requisites of a good road everywhere, are, that it should be smooth, and that it should be firm; and the polar road would certainly be both much smoother and much firmer at this season than at any other.

The surface would be *smoother*. Many of the rugged forms into which the ice had been thrown up during the preceding summer would have been destroyed by its conversion into water, when it would be refrozen in a level form. The whole, too, would be covered with a thick coating of snow, highly crystallized, and divided into minute portions, which are blown about with the utmost facility. The effect of this blowing is to fill up every crevice, and obliterate all minute varieties of surface. Its operation on a much smaller scale in our climate converts the country, as represented by the poet, into

> 'One wide, unvaried plain of boundless white.'

Captain Lyon mentions the island in the vicinity of their wintering place, in the second Arctic voyage, as having been, while seen in the depth of winter, considered a complete level; but, to their great surprise, as soon as the snows had melted, it proved to be peculiarly rugged and irregular. We should not

therefore much wonder, if the whole route should present one great and uniform surface. Even if the more elevated hummocks were not wholly obliterated, they would, by the snow blown up round their sides, be so graduated into the surrounding plain, that their ascent would cease to be very formidable, and those tremendous operations, technically called 'a standing pull,' or 'a bowline haul,' would seldom or never be demanded. It may be almost superfluous to observe, that the extreme danger which, in a civilised country, attends the obliteration by snow of all the landmarks, could have no place in an unknown region, where landmarks do not exist, and the expedition could in no case have any guide but the compass and the sky.

Next, the surface would be comparatively *firm.* The softness of the ice, which always increased as the season proceeded, was a fruitful source of misery to the late expedition. Both men and boats sunk at every step, and could make their way only by the severest efforts. But the mid-winter snows of the polar world would compose a hard surface, affording probably a steady support to the traveller moving over it. Even in June, over a great part of Melville Island, Captain Parry found the snow so hard that a heavily loaded cart did not sink into it. On this smooth and hard surface, wheels, which were found wholly inapplicable, might be brought into play, and be made greatly to alleviate the labour of dragging. That movement also of the ice to the southward, which was so fatal to the progress of the former expedition, would have no existence here, or would be felt only in the latter period of the return, to which it would be favourable.

While we thus set forth the advantages of this plan, we are far from denying that certain questions must be answered, ere it can be put down as either expedient or safe. The first and most obvious is this: Can the human frame endure that extremity of cold which must be felt in these frozen regions, of which the midsummer temperature is often scarcely tolerable? The question is serious; because that period of early spring which we recommend is undoubtedly the time when the temperature, lowered by the continued absence of the sun for four months, reaches its utmost depression. We should certainly hesitate therefore to answer this question in the affirmative, were it not for the decisive statements which we find in Captain Parry's own records. During the intervals of most intense cold throughout his four winterings, when the thermometer was seventy or eighty degrees below the freezing point, there never was a period when it was not possible, and even advantageous, to spend several hours a-day in the open air; and it is all in our favour, if brisk

motion was a necessary accompaniment of this exposure. In his last voyage, he comes to the conclusion that with proper precaution no serious injury can arise from the most intense cold of the Arctic regions. When we consider, therefore, that the proposed expedition would, in cases of drift or tempest, have always the boats in which to seek shelter, and in the perpetual northern twilight, could choose any part of the twenty-four hours for their journeyings, the risk of perishing with cold seems really not admissible, with reference to any well-conducted expedition.

Captain Parry has treated the question of an earlier season; but only in connexion with the employment of rein-deer. When that particular is thrown out, his objections do not appear to have much weight. It would be necessary to winter at Spitzbergen. We should think this highly expedient in every event. The going out in spring involves delays and casualties, which it is impossible to foresee, and which, as in the late instance, may be deeply injurious. As for the dread he expresses of the physical strength of the men being reduced by this wintering, we really cannot entertain it, after the experience of his own four winters, two of them successive. The expedition would not require to set out till August, and the men thus would not be above seven months on shipboard before they began the grand movement. The additional supply of fuel and of clothing, which would be required, is of more importance, as making a very inconvenient addition to the weight of the equipage. We calculate, however, that both might be doubled for 300 lbs., not quite a twelfth of the entire weight, which could not very materially affect the means of progress.

There is another statement, applying equally to the expedition under any circumstances, and upon which we feel somewhat anxious. It appears to have been ascertained by the last experiment, that the portion of food allotted for each member was insufficient to support him under the hard labour and the inclemency of the elements. Hence, in the course of the journey, there was noticed a gradual abatement of strength, which, towards the close, became somewhat alarming. We are disposed to take this matter very seriously; for really it would be dreadful to think of sending a party to the pole upon short allowance. Yet the required addition of one third to the weight of the victuals, would not be very practicable. This point must then be seriously considered; and the question is, since it is difficult greatly to enlarge the quantity, whether the quality of the food might not be raised. Are pemmican, or dried beef, and hard biscuit, the most concentrated forms into which human nutriment can be brought? Captain Parry thinks they are;

but upon this point we feel exceedingly sceptical. Our attainments in the culinary and dietetic sciences are certainly very limited; and yet it appears very easy to point out substances containing much more nourishment within the same space and weight, than the dry and ungenial aliments on which Captain Parry places his sole reliance. Portable soup, for instance, might surely be so prepared, as to comprise within the same limits a much greater amount of nutritive juice, in a fresher state, than dried meat, of which a large proportion must be fibrous and vascular; and, if judiciously and somewhat highly seasoned, would form a most comfortable mess under the snows of the pole. In the farinaceous department again, cakes, copiously impregnated with the nutritious matter of eggs and butter, would afford chyle much more copiously than mere dried flour. Salted butter and cheese, both the richest that could be had, seem deserving of mention. At all events, with such an object in view, the preponderance on the late occasion, of farinaceous food over animal, which affords so much more nourishment and strength, (628 libs. biscuit to 564 libs. pemmican,) seems very incomprehensible. Meat thoroughly dried, if we mistake not, could be eaten with very little bread. The Russian sailors, who wintered eight years in Spitzbergen, found that their dried meat could not only be eaten without bread, but could be eaten as bread with other meat. We can never then be persuaded that on these principles, and with a little contrivance, the deficient third might not be fully made up, without encumbering the equipment with any material addition of weight.

Such are the hints which, with much diffidence, we venture to submit to the daring spirits who may again seek to arrive at this grand boundary point of earth and nature. Bold as the scheme may seem, we sincerely believe, after diligent search into the Arctic records, that it is, on the whole, the most secure as well as the most promising of any that could be adopted. It is submitted, however, as still subject to the strictest revision, by those who, having made personal observations on the phenomena of an Arctic expedition, may be able to point out particulars, which, though minute perhaps in themselves, must be carefully taken into account, in reference to a voyage beset with such peculiar perils and difficulties.

Art. VII.—*Report from and Minutes of Evidence taken before the Committee of the House of Lords, on the State of the British Wool Trade.* Printed, by order of the House of Commons, 8th July, 1828.

During last session of Parliament, numerous petitions were presented from the wool-growers, setting forth the difficulties under which they laboured, in consequence of the low price of British wool. The petitioners ascribed this low price to the large imports of foreign wool which had been made within the last few years; and they prayed that the duty on its importation might be again raised to the level at which it stood previously to its reduction in 1825. The views entertained by the petitioners were supported by a considerable party in both Houses; and, on a motion of the Duke of Richmond, a Committee of the House of Lords was appointed to examine into the subject. Government did not object to the appointment of this Committee; but it is of importance to observe, that it did not pledge itself to found any measure upon its report; the Duke of Wellington having, on the contrary, explicitly stated, that he agreed to the measure rather out of courtesy to the petitioners, than because either he or his colleagues had any doubt with respect to the policy of the alteration made in 1825.

We are truly glad that government did not oppose the appointment of this Committee. The liberal system of commercial policy, of which the reduction of the wool duty is a part, has nothing to gain by concealment: and the more thoroughly it is investigated, the more unfounded and unreasonable will the objections to it appear. This, at all events, has been very conspicuously the case in the present instance. Had there previously been any room for doubt with respect to the expediency, or rather the necessity, of reducing the duty in 1825, there can now be none: For the facts stated in the evidence before us, show that the admission of foreign wool under a low duty is indispensable, not to the prosperity only, but to the very existence, of several of the most important branches of our own manufactures.

Before proceeding to the consideration of the evidence, it may, perhaps, be worth while to observe, that the statements put forth by the wool-growers and their advocates, of their interests being sacrificed to a rage for innovation and theory, are ludicrously misplaced on the present occasion. When, indeed, an innova-

tion is called for by the circumstances of the case, or when a theory is a sound one, a government would be liable to the severest censure, if it obstinately refused to accommodate its policy to the exigencies of society, or to avail itself of the lights struck out by science and experience. In the present instance, however, Mr Huskisson did *not* innovate. The most superficial reader of our history cannot but know, that our government has, from the earliest ages, exerted itself to encourage the importation of the raw materials used in manufactures; and, in the case of the woollen manufacture, not only was there a free importation of foreign wool for upwards of three centuries, but, as a farther encouragement to the manufacture, the exportation of English raw wool was forbidden under the severest penalties. It was not, indeed, until 1803 that any one ever thought of laying a duty on foreign wool. When first imposed, the duty was comparatively light, amounting only to 5s. 3d. a cwt., or little more than ½d. a lb.; and it continued under 8s. a cwt., or 1d. a lb., until 1819. In that year, however, Mr Vansittart, in order to secure the concurrence of the landed gentlemen to his notable project for the imposition of three millions of new taxes, raised the duty on foreign wool from 7s. 11d. to 56s. a cwt., or from less than 1d. to 6d. a lb.! It is of importance, too, to observe, as evincing still more strongly the impolicy of this measure, that the export of woollen goods to foreign countries had been declining previously to 1819. Mr Vansittart did not lay a tax on the raw material of a manufacture, in which our superiority was firmly established; but, with a sagacity peculiar to himself, he laid it on one in which we had begun to lose our former ascendency, and were, at the very moment, exposed to a competition that was every day becoming closer and more severe. The manufacturers put Mr Vansittart on his guard;—they represented that this excessive increase of duty would have the most fatal influence on the trade, and that, in certain branches, it would give the foreigner a decided superiority; but Mr V. was not to be driven from his purpose by any representations of this sort. The tax was imposed; and all that the manufacturers had predicted of its effects was immediately found to be far short of the truth. So disastrous was its influence, that in the very first year of its operation, there was a falling off of about a *fourth* in the value of the woollen goods previously exported to foreign countries! But the following *official* account of the declared or real value of the woollens exported from Great Britain to all other countries, exclusive of Ireland, from 1816 to 1825, both inclusive, will set the effects of the increase of duty in 1819 in the clearest point of view.

	Declared value of woollens exported.			Declared value of woollens exported.
1816,	L.9,387,455.	1821,	do.	L.5,587,758.
1817,	7,847,280.	1822,	do.	6,465,983.
1818,	7,177,335.	1823,	do.	6,490,454.
1819,	8,145,327.	1824,	do.	5,635,776.
1820, (duty increased,)	L.5,989,622.	1825,	do.	6,045,240.

It is impossible, we think, to produce more certain and conclusive evidence of the injurious operation of any tax, than is afforded by this table. Government could not be insensible to the ruin with which the woollen manufacture, one of the principal branches of industry carried on in the kingdom, was thus threatened; and in 1825, in compliance with the urgent, and now obviously well-founded, representations of the manufacturers, Mr Huskisson reverted to the principle of the *old* system, from which Mr Vansittart had so recently and so unwisely departed. It was then enacted, that all foreign wool imported for home consumption, of the value of 1s. a lb. and upwards, should pay a duty of 1d. a lb., or 9s. 4d. a cwt.; but when the value of foreign wool imported was under 1s. a lb., the duty was reduced to ½d. a lb., or 4s. 8d. a cwt. But at the same time that this reduction of duty was made in favour of the manufacturers, a boon was granted to the agriculturists, by the introduction of a new system with respect to the exportation of British wool; the growers of which were then, for the *first time*, allowed to export it to foreign markets, on payment of a duty of only 1d. a lb. Such are the symptoms of that rage for innovation and theory, of which we have lately heard so much, discovered by Mr Huskisson on this occasion.

The wool-growers, we have no doubt, are most anxious to return to Mr Vansittart's system, or rather they are desirous that a duty of 6d. a lb. should be again laid on foreign wool, while the exportation of English wool should be allowed duty free. That the prices of English wool have experienced a considerable decline during the last few years, is, indeed, most true; and it is also true, that during the same period there has been a large importation of foreign wool. The wool-growers, however, have not been able to show, that the fall in the price of English wool has been caused by foreign importations. On the contrary, it has been established, beyond all question, that English wool cannot be used, without an admixture of foreign wool, in the manufacture of many sorts of goods, for which there is an extensive demand both at home and abroad; and that the exclusion of foreign wool would not only be ultimately fatal to the manufacture, but would not even have the immediate effect of raising the price of

English wool. That this is a correct view of the matter would have been obvious, though there had been no direct evidence on the subject, from the magnitude of the importations of foreign wool in the period from 1820 to 1824, both inclusive, notwithstanding the operation of the duty, which added more than FIFTY per cent to the cost of all the coarser descriptions of foreign wool, and from 20 to 35 per cent to the cost of most other descriptions that were then brought into the country. We subjoin a note of the quantities of wool imported, and the rate of duty, in each of the following years:—

Years ending 5th January.	Rate of Duty per lb.	Quantity of Wool Imported.
1819,	1d.	24,749,570
1820,	6d.	16,103,717
1821,	—	9,794,620
1822,	—	16,632,028
1823,	—	19,072,364
1824,	—	19,378,249
1825,	1d. and ½d.	22,572,617
1826,	—	43,837,961
1827,	—	15,996,715
1828,	—	29,142,290

The importation of upwards of nineteen millions of pounds weight of foreign wool, in 1823 and 1824 respectively, in despite of the high duty of 6d., shows conclusively how indispensable it is to the manufacture; for, had this not been the case, it is quite clear that the duty would have prevented its importation. The importation of nearly 44 millions of pounds weight, in the year ending 5th of January, 1826, must be ascribed as much to the spirit of overtrading that then affected every branch of industry, as to the reduction of the duty; but the large importations during last year are a fresh proof of the necessity of foreign wool to the successful prosecution of this important department of national industry.

But we are not left to inferences, however clear and indisputable, as to the absolute necessity of importing foreign wool. On this point, the evidence taken before the Lords' Committee is complete and decisive. Mr Gott of Leeds, one of the most extensive and intelligent manufacturers in the Empire, informed the Committee, that in his own works he now used only foreign wool. On being asked whether he could carry on an export trade to the same extent as at present, if he manufactured his cloth of British wool, Mr G. replied, that in certain descriptions of cloth, '*he could not make an article that would be merchantable* '*at all for the foreign market, or even for the home market, except*

'*of foreign wool.*' We subjoin a few additional extracts from the evidence of this most competent witness.

'Can you give the Committee any information with respect 'to the competition that now exists between foreigners and this 'country in woollen cloths?—I think the competition is very 'strong; in some instances the foreigner has probably the ad- 'vantage; and in others, the superiority of the British manufac- 'ture, I think, has greatly the advantage; that would apply, I 'should say, particularly to the fine cloths of Great Britain com- 'pared with foreign cloths; in some descriptions of low cloths, 'the foreigners are nearly on a footing, and, in some instances, 'perhaps, superior to us.

'Speaking of the finer cloths, is the competition such as to 'render an additional duty on the importation of foreign wool 'likely to injure the export trade?—*I have no doubt, speaking on 'my oath, that IT WOULD BE FATAL TO THE FOREIGN CLOTH 'TRADE OF THE COUNTRY.* I would say further, that it would 'be equally injurious to coarse manufactures of all kinds made 'of English wool. The competition now with foreigners is as 'nearly balanced as possible; and the disturbing operation of 'attacks of that description would necessarily enable the fo- 'reigner to buy his wool cheaper than we should do it in this 'country; the result would be, that foreigners would, by such 'a premium, be enabled to extend their manufactures to the 'exclusion of British manufactures of all descriptions.'

In another part of his evidence, Mr Gott says, 'If two pieces 'of cloth, at 10s. a-yard, were put before a customer, one made 'of British wool, the other of foreign wool, one would be sold 'and the other would remain on hand: I could not execute an 'order with it. If any person sent to me for cloth of 7s. or 8s. 'a-yard, and it were made of English wool, it would be sent 'back to me, and I must resort to foreign wool, or foreign mixed 'with British, to execute that order.'

On Mr Gott being asked whether, in his opinion, the price of British wool would have been greater or less than it actually is, had the duty of 6d. a-pound on foreign wool been continued, he answered:—'My opinion is, that the price of British wool would 'have been less at this time—the demand for British wool would 'have been very much less. *British manufactures would have been 'shut out of every foreign market;* and the stock of wool would 'have accumulated, as it will do if ever that duty be imposed 'again.'—(Mr Gott's Evidence, pp. 279—292.)

The view taken by Mr Gott of the effect of the importation of foreign wool on the price of British wool, is supported by the concurrent testimony of all the manufacturing witnesses

examined by the Committee. Blankets, flannels of all sorts, baizes, carpets, bear-skins, &c. are made principally of English wool; and the command of foreign wool enables the manufacturers to use a considerable quantity of English wool in the manufacture of certain descriptions of cloth, which, if made entirely of it would be quite unsaleable.—On Mr Goodman, a wool-stapler of Leeds, being asked whether, if a duty were laid on foreign wool, it would force the use of English wool in the manufacture of cloths, from which it is now excluded, he answered, 'Certainly not: We could not get people to wear 'such a cloth; they want a better, finer cloth; it is so much 'handsomer in its wear, and so much more durable.' (p. 241.) Mr Francis of Heytesbury, declared that there was 'no demand 'for cloth made wholly of British wool; that it was principally 'applicable to the manufacture of blankets, baizes, &c. and that 'the exclusion of foreign wool would only injure the manufac- 'ture without raising the price of British wool.' (p. 268.) Statements to the same effect were made by Mr Webb, (p. 270,) Mr Sheppard, (p. 294,) Mr Ireland, (p. 319,) and, in short, by every one of the witnesses conversant with the manufacture.

If any thing further were required to show the ruin that would follow to the manufacture from increasing the duty on foreign wool, it would be the fact, that the exports during the last two years have declined considerably, their real value being, in 1826, only L.4,990,998, and in 1827, only L.5,292,418. This is a decline of about *four* millions, as compared with 1816; and of between one and two millions as compared with 1823. The truth is, that the manufacture has not recovered, and it is very questionable if it ever will recover the blow inflicted on it by the high duties from 1819 to 1825. They had the double effect of raising the price of wool in this country, and of lowering it on the Continent; and in consequence of the advantage thus given to the foreign manufacturers, they were enabled to obtain a superiority over us in several markets, which we have not been again able to wrest from them.—Report, p. 178, &c.

It is, therefore, clearly established, *first*, That the free importation of foreign wool is absolutely essential to the very existence of our own woollen manufacture; and, *second*, That its importation has not occasioned the fall in the price of English wool; but that, on the contrary, by enabling the latter to be partially worked up into cloth, which cannot be wholly manufactured of it, its price has been sustained at a higher elevation than it would otherwise have reached. In proof of the accuracy of this view of the matter, we may mention the fact, that the price of English wool *fell* in 1819, when the high duty was laid on, and

that it continued to decline during the whole period of its operation. Hence it follows, that the re-imposition of the duty would not effect the object in view—that of raising the price of British wool; and it has been shown, that in attempting to accomplish what is thus evidently impracticable by such means, we should inflict a mortal blow on a branch of industry on which not fewer, perhaps, than a *MILLION of individuals are directly dependent.*

The present low price of English wool is owing to a variety of causes: partly to the increased consumption of cottons, which, owing to their extreme cheapness, are supplanting woollen goods in every direction; partly to the increased number of sheep, and the greater weight of the fleece, both of which have been much augmented since 1800, and partly to the *deterioration* that has latterly taken place in the quality of English wool. That such deterioration has taken place, is fully proved in the evidence before us; and the extent to which it has gone would, of itself, sufficiently account for a considerable fall of price. It should not, however, be forgotten, in inquiries of this sort, that though the value of the fleece has declined, the value of the carcass of the animal has greatly increased; and it seems doubtful whether, taking the two together, and making allowance for improvements, sheep-farmers are not now in as favourable a situation as they ever were, except during those periods when their rents were artificially reduced, and prices enhanced, by the depreciation of paper money. But be this as it may, it is certain, that the low price of British wool has not been occasioned by the repeal of the duty laid on foreign wool in 1819; and it is further certain, that the re-imposition of that duty would go far to ruin the woollen manufacture, without raising prices.

ART. VIII.—*Rationale of Judicial Evidence, specially applied to English Practice.* From the Manuscripts of JEREMY BENTHAM, Esq., Bencher of Lincoln's Inn. In five vols. Lond. Hurst and Co. 1827.

OUR dramatic critics have often expressed a natural regret that there should be no materials left, beyond a vague tradition respecting Beaumont's judgment and Fletcher's fancy, for enabling us to separate a fame which the partnership of genius and affection, 'married to immortal verse,' has so beautifully intertwined. 'They were lovely in their lives, and in their deaths 'they have not been divided.' But these double-cherries are, it seems, too romantic and Hesperian for the field of Jurisprudence; and a writ of partition is now in progress for the due apportion-

ment of that tenancy in common, under which the joint names of Bentham and Dumont had become 'household words' among the legislative students of Europe. Several of Mr Bentham's original manuscripts have been of late successively published; so that the English reader (at least he who is sufficiently conversant with that dialect which we hear commonly called the Bentḥamée) may now appreciate the labour which it must have cost to lick into shape these noble ursine offsprings; at the same time, that he is enabled to ascertain the respective shares, in which the learning and the logic belong to our Van Dale—the precision and the grace to his legal Fontenelle. Whatever else may be the result of this order of filiation, (which, in some respects, realizes the paternal menace in the Rivals, 'You dog, I will 'unget you,') we fear it will not tend to modify the conclusion at which the French *litterateurs* have long arrived; to wit, that they are the only nation in Europe who feel the necessity of literary form and method. Though this opinion seems expressed rather flippantly, to be sure, by La Harpe, when he calls Tom Jones 'the only book' in the English language; yet the comparative paucity of French Folios to those of other catalogues is some presumption in favour of its truth. At all events, the assumption has been widely acted on. The learned ox, from the stalls of Germany and England, has been stewed down, into one small pot of portable soup for French consumption; and many a foreign author must have had as much difficulty in identifying his migrated ideas, as our honest country squires still occasionally experience in recognising their daughters under the similar transformation of a Parisian toilette.

Be this as it may, Mr Bentham's reputation (to borrow Sir Walter's epithet) is at present thoroughly European; but, on the other hand, he has been left almost 'a stranger in his father's 'house.' Whilst he is known by his great qualities abroad, we have been amusing ourselves, like the valet-de-chambre of a hero, with his foibles and peculiarities at home. The correspondent of Corteses, Liberators, and reforming Princes, has had among ourselves little choice but between ribaldry and neglect. There is an amusing notice of his astonishment at the latter half of the contingency, towards the close of one of his Spanish Letters—where, after mentioning among the signs of that now forgotten crisis, that Hobhouse was in prison and Burdett on his trial, he is evidently (like a maid of honour passed over in a lampoon) no less mortified than puzzled at the strange fatality by which he was himself defrauded of that crown of martyrdom, to which he felt his right to be at least as good as theirs, and left in his hermitage to ruminate over this novel grievance, at once inglorious and

undisturbed. This singular state of exotic reputation (a sort of juriconsultal bishopric *in partibus transmarinis*) is not, however, a matter of accident or jealousy. Strange as in England it may sound to ordinary ears, and even ridiculous to legal ones, they have got an idea on the Continent that there is such a thing as the Philosophy of legislation. The countries subject to the Roman Law are, in some respects, more prepared than ourselves for similar discussions. They are in possession of a system depending on general principles, instead of a string of cases in the Indexes of Term Reports, where the requisite sagacity to discover what you want, has as little to do with reason, as in the *cyprès* case of a dog that is hunting truffles. The topics to which our Patriarch has devoted a long and persevering life are, in consequence, as popular over the Continent as they are abandoned here. Still the national indifference to the subject will not by itself altogether account for the neglect. His most passionate disciples cannot throw the whole scandal of this anomaly on our aboriginal horror of systematic jurisprudence—an alienation of feeling, in truth, at the present day about as well informed, in the quarters where it most exists, and certainly much less grounded than, the famous *Nolumus* of the Norman Barons.

Mr Bentham's offences against the public are not of matter only, but of manner. Our distaste, indeed, we believe, is less to the battle that he fights than to his mode of fighting it. There are few greater proofs, it is true, of the slowness with which reason acts as a solvent on English prejudices, than that the Usury Laws should be still in existence, although half a century has elapsed since the publication of his unanswered and unanswerable Essay, not less admirably reasoned than happily expressed. However, *il a changé tout celà ;* and will now wear none but armour such as was never seen in field, Christian or Pagan. Pages still occur in his later works, which recall the power and simplicity of that early treatise : But they are angel visits ; and it would be impossible to name any writer, who, with a hundredth part of his Aristotelian sagacity, contrives, by wild galloping excursions, (his head up in the air and the bit out of his mouth,) and by a repulsiveness of style as mysterious as the bricks of Babylon, to set lay-readers so completely at defiance. It is with him in prose, as in poetry with Wordsworth—they both are born to exercise a powerful influence over their great departments—but not so much in their own persons, as through the more popular talents of others, who, with inferior genius and invention, may yet be better conductors of that electric impulse, which with them (far from being *cœlo sereno fulgura*) is, like the real thunderbolts of heaven, formed among clouds and darkness. It is a humiliating

necessity, we admit; and one which the Utilitarians do not seem yet to be fully aware of, or disposed to truckle to. But (distant as the day unfortunately may be when the converse shall be predicable,) thus far is a canon of absolute verity at present: 'Writings, 'in order to be useful, must be such as people will consent to read.' This is the block *in limine* over which Mr Bentham stumbles—the anti-Lucina goblin, which sits cross-legged before his study door. He resembles too much the early codifyer, Moses; we do not mean in meekness, but in the want of an Aaron to speak for him. Had Mr Dumont accordingly been content with giving to the world literal translations of the extraordinary papers submitted to his revision, their merit would assuredly have pierced but feebly through the incumbent obscurity. It would have been showing St Paul's to a stranger in one of our November fogs. Even the cabinets of diplomacy can scarcely ever have witnessed so successful an employment of words for the concealment of thoughts as is here exhibited; you see a vast idea and power of mind struggling through the phraseology which encumbers it, and which seems tumbling round about it, till it is not without some difficulty that you at last discover underneath, the lion 'with its hinder parts pawing to get free.' Our obligations to the great *rédacteur* are, however, far from being confined to his having thus cleared up the style, by passing it as it were through a filtering machine of his own. Equal praise is due to him for the skill with which he has selected and arranged; for the judgment with which he has left out great masses of intractable matter; and, finally, for the wonderful art and adaptation with which he has finished up (from, it is true, a master's sketch) the marble whose rude bulk was laid before him, into so many temples of Truth and Justice. Without such aid, the scattered pillars of the legal Parthenon might just as well have been still sleeping in the quarries of the Pentelicus of Queen Square.

The fortune, to which, like the great philosopher of antiquity, Mr Bentham is plainly destined—that, of being chiefly known through the writings of an accomplished friend and follower, will not have resulted, as is the case with most founders of a science, from the additions and improvements which were left to be introduced by subsequent observation. The foundations were deeply laid—the materials more than abundantly collected to his hand; indeed it is in this extravagant and incongruous abundance, in the heaps of rubbish of all kinds which must be first removed, that the most Herculean part of the labour of a really useful editor of these manuscripts was required to be sunk. During an incubation of a quarter of a century, instead of the

paltry nine years' hatching of impetuous poets, the exhaustive method (exhaustive both of the subject and the reader) would probably be brought to a perfection that should leave little for a successor to supply; at least little beyond the charms of illustration and of language, which, in the eyes of these literary Antinomians, are deadly sins. Mr Dumont's merits, in the way of compression and suppression, have at last an opportunity of being properly understood. No wife was ever more successful in making an unreasonable husband appear to the best advantage; nor did counsel, dealing with a witness of whose weaknesses and partial insanity he was aware, ever more adroitly abstain from approaching those points of the compass where madness lay. But now the whole is out—*nostri farrago libelli!* It must also be allowed, that Mr Bentham has done as much as possible to prejudice his scientific doctrines, by the heteroclite company of strange fancies with which he has marshalled their array; by the drum of philosophical intolerance with which he has beat loud and long for a crusade against all who will not pin on his very colours; and by the regiment, whether conscript or volunteer, which he has recently recruited at Justice Shallow's. Bound together by a common disdain of all possible beings, previous to and except themselves, it is held quite superfluous to take the trouble of learning the thoughts of other people. Hence is it that their discoveries too frequently consist of a mere bold exaggeration of some long-accepted proposition; in which the only novelty arises from a renunciation of all the exceptions and limitations which were indispensable to its truth. Hence too the parade with which there is so often trumpeted to the world the laying of an egg, whose chickens have long been selling in the public market. The whole town is called out to see them lay, with a brazen trowel, the first stone of some *ædicula* of a dissenting chapel, with Westminster Abbey before their eyes. This, as far as Mr Bentham himself is concerned, may ensue from the oracular existence which he leads, as a sort of 'veiled prophet,' nourishing a hermit's ignorance of the moral and intellectual atmosphere on which he has to act. Instead of preaching home to the capacities of a congregation, to whose habits he is quite a stranger, he is constantly firing over their heads. Imagining that he has erected a self-calculating machine, by which he can pronounce respecting human beings with as much certainty as on a sum of figures, he has framed a procrustean bed, according to whose measure he is too apt to cut down the qualities of mankind. He is as little scrupulous at times with particulars, as with generals. Thus, having settled it that the English law was formed by lawyers for their own

selfish purposes, neither Descartes nor Mr Owen, nor any other manufacturer of systems, can more resolutely forget, step over, or distort, all such facts as are inconsistent with his theory. It is accordingly without any apparent suspicion of their own previous fallibility, or any diminished scorn of the unacquaintedness, especially of lawyers, with the human heart, that Mr Humphrey's excellent book is announced, as a moral no less than an intellectual phenomenon: So that it seems actually to have been reserved for an Essay on Real Property to operate as great a revolution in the views which these dictators take of our common nature, as it might have been more legitimately expected to accomplish in Conveyancing! By the omission of these and similar imaginings; by throwing overboard tuns of irrelevances and repetitions; by approximating the line of argument to ordinary feelings and apprehensions; and, finally, by adopting the tone of civilized debate, Mr Dumont (notwithstanding the subject was understood to be Jurisprudence, and his language seen to be French,) procured some sort of a hearing from the public.

Whatever advantages were thus obtained, it was clear, must be mainly thrown away the moment Mr Bentham thought fit to appear in his own person. It was ruled, however, that Leviathan could swim without corks; and that the bridegroom should follow up whatever impression had been created by his picture. We fear the experiment has not answered: For people are not as fond of science as of diamonds, and yet few would be bothered even with diamonds, if they were obliged to cut them for themselves. Accordingly, since the publication of Mr Bentham's raw material, his 'Morals and Legislation' have not yet superseded its French namesake; or his 'Fallacies' displaced the 'Sophismes 'Politiques.' It is not long ago that we congratulated our readers on those two beautiful octavos, the 'Preuves Judici-'aires:' and we have now to acknowledge their re-appearance under a more mystical shape, 'if shape it can be called that shape 'has none,' in five thick volumes of most cyclopean construction, with the uncouth title of 'Rationale of Evidence,' and under the editorship of Mr Mill, junior.* This additional and por-

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* The slovenly and careless confidence with which this office of editor has been performed, has tended to remove any doubts we might have otherwise entertained respecting the advantage which our literature has received, from having been carried on entirely by individual and scattered efforts; not only without the aid of any club or corporation feeling, but even without being banded into intellectual fiefs and retainerships, holding, by service of the major and the minor, and the other peppercorn

tentous girth is obtained, for the most part, by two cognate ingredients, specially provided for our home market; an elaborate application of the pure principles of supposed Natural evidence to the practice of the English law, and corresponding copious

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returns of logic, of a few great lords. Founders of sects make a very inconsiderable figure in the literary history of England—scarcely more than that of college tutors. It is not that lions of some sort or other have not been among the regular novelties of every season, from the day that Trinculo wished he had but Caliban safe in London, down to the time of poor Captain Denham, or the last importation from Africa, now, as always, the famous dry-nurse (*arida nutrix*) of that illustrious creature. But we are a great deal too practical a people to troop round the standard of mere opinions. Our statesmen, as well as lawyers, have always abominated sufficiently every attempt towards classing their insulated cases under general principles. Theology, it is true, has been ingeniously put into a form, at once so tempting and so searching, as would seem to render sects and controversies perfectly unavoidable among conscientious inquirers, within that grand polemical arena. Yet even Mr Evans has not been able, by dint of division and subdivision, to count up as many varieties of Protestant dissent, as the ancients contrived to raise from the one single question of the *summum bonum*. Their walks and gardens were what would be called, at present, the stock exchange of science. Now, few readers as Mr Bentham's bookseller may command, the country is obliged to this great master, and his immediate disciples, for the most peremptory and proselytising seminary of *ipse dixitists*, (to use one of their own beautiful words,) which has ever flourished beyond the old philosophical mission on the shores of Magna Græcia. When we hear of Mr Such-a-one, the Benthamite, we feel a sensible satisfaction, which we can in no way account for, except in as far as we are thus recalled to those abstract and dogmatical times when men were principally distinguished by the theory of morals that they might happen to profess—the times when there were three Demetriusses, known one from the other by no other *Christian* name than that of the school into whose tenets they had been respectively baptized. The article on Jurisprudence, by Mr Mill, senior, presents a perfect impregnation of the ideas of their chief upon this subject. The short statement in it respecting evidence is particularly good. The observations upon Hastings' Trial, in his History of India, come also from the same armoury. In his notice of Burke's Report, Mr Mill is the only person, as far as we are aware, who has done justice to that first and (with the exception of Mr Bentham's later labours) only example of experimental criticism upon the English law of evidence. At the same time, the following passage partakes of the taunt by which Mr Bentham accounts for Burke's antipathy to metaphysics, V. V. p. 244:—'The author of the Report saw 'his way but obscurely. He perceived distinctly, that every one of the 'rules of exclusion, which had been brought to bear against himself, 'was mischievous, and opposed to the course of justice in that particu-

libations in dishonour of English lawyers. We trust the first of these divisions will attract the attention it deserves, of that portion of our readers who take any interest in such subjects. If

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'lar application of it. But he did not ascend to the principle of exclu-'sion itself, and perceive that generically, it was pregnant with nothing 'but mischief. *The mind of Mr Burke was not a generalizing mind. 'It rested upon individual cases;* had little native propensity to ascend 'any higher, and seldom did so, unless when impelled by unusual cir-'cumstances.'

Surely, to infer that Burke saw particulars only, from the fact, that, in a Report to the House of Commons for a special purpose, he confined his attention to the particular obstacles by which the management of the Impeachment was impeded, is a counter instance of a kind of generalization rather more rapid than is to be desired. Would it not be more just to wonder that, being once in his life brought from his ordinary political avocations, into contact with the positive forms of a legal trial, he saw so completely, and exposed so powerfully, the evil of the rules which were on that occasion interposed against the discovery of truth? There are one or two remarkable passages to the same effect, in his correspondence with Dr Laurence. Had we been called upon to mention a mind in which we should be more at a loss whether to admire most its omnigenous materials, or the beautiful arrangement by which their dependence on general principles, as well as their points of connexion with each other, was preserved, what name could have presented itself to us so soon as that of Burke? His great oratorical defect, except as prolocutor for a senate of philosophers, was that he generalized too much, and that facts lost their graphic and personal identity, by becoming principles and maxims whilst passing through his mind.

Mr Mill, junior, is not likely to have underrated the importance of the trust confided to him by Mr Bentham, in the editorship of the present volumes; yet, unless they were persuaded, upon Hindoo principles, that he was born of a legal caste, and that therefore talents of this description must be hereditary; or unless they took the fiction, by which every Englishman is supposed to be acquainted with the law, for a reality, we think that both parties would have exercised a sounder discretion—the one in not reposing, the other in not accepting, such a charge. Considering that Mr Bentham's own experience of the law of England must have been long suspended, and can have been at best only an acquaintance with principles rather than details, an accurate knowledge of this despised part of jurisprudence became an indispensable qualification on the part of his assistant—the groom, to whom a colt, so naturally wild, and so peculiarly circumstanced, was made over to be physicked, broken in, and got ready for the fair. If it were likely that a pamphlet might be compiled of the minor inaccuracies of the original, there could be no object in leaving more than a given portion of them uncorrected; and it was surely quite unnecessary to add supplemental errors in the

it is scarcely possible to exaggerate *its* importance, it would be no less difficult than foolish to treat the other seriously. None but the ladies, the church, and other slave-holders, (*tantæ animis cœlestibus iræ,*) are so sore and susceptible, as to wish to keep

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notes. The prior appearance of the French abridgment had rendered the criticisms upon the English practice the most important part of the immediate publication. We wish Mr Mill had recollected that, upon some subjects, our knowledge cannot be instinctive, but acquired. An unfortunate neglect of this distinction leads to wicked inferences and disclosures: For, the reason by which Quinctilian explains a certain contemporary philosophy that affected to disdain eloquence, &c., is equally applicable to critics upon any law so positive as that of England. *Philosophia simulari potest, eloquentia non potest.* However, suppose it to be decided that the advantages of tolerable information, for some reason or other, must be waived, the reader might hope to find some indemnity for lack of knowledge, in the diffidence by which it is prudent and becoming, even where not natural, that ignorance should seek its protection. A truce to his superior's sign-painting abuse of the English law, and those who practise it, might have been reasonably expected on the part of one, who must otherwise be consenting to call names on credit, as much as the parrot from its cage. As it is, no such compensation is obtained. The cannon's roar in the text is, throughout, ludicrously accompanied by a discharge of the editor's pocket-pistol in the note. The deep growl that mutters from above, is followed by a snap and a snarl from below; so that, in the place of any instructive commentary, or even reproof, there is a long reproachful howl, which reminds one of nothing philosophical and scholastic—except possibly it may be the accompaniment with which a litter of young Cynics used to attend the lectures at Diogenes's Tub.

Mr Bentham, like some other fathers, evidently prefers the pleasure of multiplying his ideas to that of clothing or providing for them. But surely there were staid matrons to be found; and a man who wilfully leaves his brats with a nursery girl, can scarcely be astonished should he find that they are not washed and combed, holes darned, and heads scrutinized, as accurately as might be desired. The neglected state of these tomes, too often resembles that of the huge and splendid foundling of some Brobdignag parish, scrambling after its broken go-cart. Not a single unsightliness seems to have been removed. This is possibly done all on system, and these excrescences may be beauties in some eyes; for not only is Mr Bentham their great intellectual banker, whose note of hand is safer than vulgar gold; he is the very Adam of human reason—the *propositus* for whom the world has waited these odd six thousand years, and with whom the pedigree of common sense is now about to begin. A note informs us that Mr Bentham invented the distinction between laws substantive and adjective. It is likely enough that he first hit upon these quaint and apposite designations. But surely few men before his time ever brought trover or assumpsit out of a mere abstract love

knight-errants, or literary bullies, (the Don Quixotes, the Southeys, and M'Quirks,) whose oath of office it is to resent all disparagement to their sex or order.

Some notice, however, must be taken of this, though the potter's share in Nebuchadnezzar's image; both from the ample space which it has pleased the author so to occupy, and because, generally, this mode of dealing with the most grave didactic subjects, is one of the characteristic features of the prophet and his sect. Some, doubtless, will be disgusted—and more, simply fatigued, by such indiscriminate, fanatical, and interminable abuse. But the real mischief is the occasion that it affords the

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for *forms of actions.* Mr Mill has appended to the fifth volume, a Sketch of the Regulations on Evidence in the new Belgic civil code, to which Mr Humphreys had previously drawn so much attention; and he concludes by averring its superiority 'over the other Continental modifications of the Roman law.' The time was when it would have been deemed necessary for a person who compared two objects, to be acquainted with them both. According to modern improvements, it appears you need know neither. Not only is a dispensation granted from the necessity of consulting all the modifications mentioned in this proposition, but a reference to a form of it so little recondite as the Code Napoleon, seems more trouble than their creed imposes upon the students of the *a priori* school. Considering that this Code was so recently the law of Belgium, we were not surprised to find, on comparing them, that this part of the new Belgic law is little more than a transcript of the French original. Most of the few alterations, indeed, are for the worse. The preconstituted evidence—which is selected for particular praise—is as old as the edict of Moulins, the original of subsequent corresponding regulations under the law of Scotland, and the Statute of *Frauds*—according to Mr Bentham, not improperly so called. As respects the Belgic code itself, it has been despatched, although so great a favourite, with as little ceremony. A principal, we might say the principal, object of Mr Bentham's work, is to throw down all exclusions. According to him, therefore, the merit of any system must mainly depend upon the small number of them which it admits. But, strange to say, instead of inquiring the meaning of the words (*reproche*—and *als getugee gewrakt*) there applied to witnesses, a point involving the very issue, Mr Mill, junior, as if he were a commentator dealing with a lost language, has contented himself with suggesting what he conceives to be a probable interpretation. It would have put an end to his panegyric, would he, in default of living testimony, have only condescended to open Pothier's admirable Commentary on this part of the Civil Law, 403, Sur la qualité des témoins, et des reproches, qu'on peut proposer contre leurs personnes, *pour faire réjeter* leur déposition. We submit, that if this were the way in which the Admirable Crichton entered the lists, *de omni scibili,* he had an easy business of it; he would have answered More's famous problem on replevin, as readily as any other.

gainsayers, of mistrusting and discountenancing so eccentric an understanding. Our own admiration of Mr Bentham's achievements in philosophical analysis is too sincere not to listen thankfully to all oracles delivered by himself, in whatever unworthy mixture they may happen to be conveyed. But his bow is not for every hand; and it is with very different feelings that we take up most of the second-hand preparations of his prophetic matter, where we too often find nothing Delphic, but the mephitic steam. They bring us only Alexander's wry neck; the bald head of Cæsar, without his laurels. Because nature has its Harrogate waters, and baths of medicated mud, it does not follow that there must be something healing in mere ordure and rotten eggs. Even if the fine arts, and the graceful accomplishments of the understanding, should not be (what they so often assure us they are) at enmity with the useful part of it, it might, nevertheless, be difficult to show in what respect the forms of strict reasoning are to be gainers, by substituting the flowers of Billingsgate for those of Parnassus, along the banks of their logic lane. It is a great mistake to forget that Mr Bentham's privilege must ever be personal to himself—that by which every inventor is entitled to be heard on his own terms. There is no denying, too, that he throws his dirt, as Virgil his manure, with the hand of a master; and his caricatures are almost always heightened by a comic raciness, worthy to shake the sides of Rabelais or Swift. The latter wag would not be the less amused, at finding set down, through five earnest and passionate volumes, endless permutations and combinations of that famous ironical chapter, in which, after the fashion of wits and travellers, Lemuel Gulliver so delightfully enlightens his four-legged host upon English law.

Minds of this kind are as necessary to carry one across such subjects, as camels to pass the Desert; and if they choose to perch a monkey also on their back, the pilgrim ought not to complain. For ourselves, whilst we were towing in such goodly company against the stream, along 'the wearisome, but needful length,' of this elaborate question, we confess that we were often sighing after some more direct assistance for a reader, analogous to that power of steam which has lately shortened a voyage up the Mississippi from eighty-five days to five. Who can wonder, then, that during the drudgery of a composition of this description, the author himself should have required farther encouragement, than that noble, but distant light, which must surely be ever present to the eyes of the creator of a science, as the Pharos of his labours? So far from quarrelling, therefore—think as we may of their appositeness or good taste—with whatever 'venerable buffooneries' he could devise to enliven the task of

twenty years, a gentle reader will only smile at the humorous relaxations with which the Achillean Jurist has made himself his own Thersites. The auto-portrait they present has reminded us of the Homeric picture given of the great Condè,* rolling like a war-horse on the grass, to cool himself during the pause in the battle of St Antoine. The novelty of these grotesque interludes must come with as sudden a surprise upon readers accustomed to the mechanical regularity and decorum of modern controversy, as a similar recreation would have startled the armies of Waterloo, if enacted by their leaders on the back-ground of either camp. Meanwhile, we should like to bespeak as much interest and forbearance as the public have to spare, for the flighty touchiness and hostility with which our excitable octogenarian sallies forth against the giants and windmills of English jurisprudence, its judges, and its bar, with their books of pernicious magic—the law's grim-gribber. They need only just look upon themselves for the time being, as accompanying and humouring Don Quixote on one of his fantastic expeditions.

The principle and nucleus of every gibe and illustration are made to consist in the assumption, that *fee-gathering* is the real foundation on which the laws of England have been framed! According to this great central idea, (to which and from which every ray of light and every line converge,) it is supposed that the ends of Judicature are throughout in direct opposition to the ends of Justice. Accordingly, in every instance where the practice of the English law is found at variance with his own scheme of evidence, a triumphant shout ascends, on the imagined verification of a theory with which all the successive phenomena are thus shown so beautifully to accord. A considerable part of the fifth volume is taken up with a humorous outline and application of this test to our general system; and contains a rapid sketch of the twelve principal devices of iniquity, by which the abuses that distinguish Technical from Natural procedure are secured. His grand arguments and illustrations are of this nature; and substantially as follows. The ends of judicial procedure have in all grave discussions been assumed to be identical with those of justice. Considering the leaders in this concert, the assumption is natural enough; but parallel experience

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* M. le Prince étoit tellement fondu de sueur, et etouffé dans ses armes, qu'il fut contraint de se faire désarmer et débotter, et de se jeter tout nud sur l'herbe d'un pré, où il se tourna et vautra comme les chevaux qui se veulent délasser; puis il se fit s'habiller et armer, et retourna au combat!

will tell us nothing can be more improbable; direct experience, that nothing can be more false. Was it from a love of England that Duke William visited Harold? out of a love of Jewish mouths that King John officiated as their dentist? or in a mere ascetic horror of Hindoo luxury, that the Mahratta princes were so diligent in collecting Chouk? Now what is the fact? Families existed before states: and Justice was and is equally necessary for their existence. Your children and servants quarrel; and naturally come to you. During the hearing, your study becomes a court; your elbow-chair a bench, yourself a judge. For the performance of your duty, in this your domestic judicature, the same rules and operations are just as necessary to you, as if you were trying the Douglas or the Hastings' cause. This *natural* system of procedure seems to have been preserved, or restored as society advanced, in those portions of the law which were found necessary to the existence of the community. It consists simply in the disregard of the formalities out of which the judges, by the neglect and connivance of the legislator, have constructed the technical system. 'But for verse, prose would 'not have had a name; but for technical, natural procedure 'would not have needed one.' These proceedings have been invidiously distinguished from *regular* by the name of *summary;* as if they were necessarily irregular, or despatched with less caution; and have been rendered odious from their appearance of arbitrary power, by the absence of a jury. Now summary implies short; it implies an efficient decision with less expense, vexation, and delay. But the advantage is supposed to be balanced by a greater liability to misdecision. To what degree does and must such a liability exist? No answer has been ever given to this conclusive question. 'All the wits of all the lawyers by 'whom civilized society is infested would sink under the task.' The truth is, the chance of right decision is by the technical system *decreased* in a variety of ways; increased in none. There is so much additional delay, additional vexation, additional expense, on one hand; mention only the use on the other. 'In this plain speech they will feel the spear of Ithuriel; 'touch them with it one after another, the unclean spirit will 'stand confessed.'

Official profit being the ultimate end of judicature, and there being greater facilities for multiplying the occasions than for increasing the quantum of each fee, this latter course has unfortunately been adopted; and the collateral mischiefs of additional vexation and delay have been aggravated in proportion. Meantime, don't suppose that the ends of justice are never actually pursued. The people must be deceived, and, as far as is neces-

sary for this purpose, the judges are obliged to give up a portion of their spoil, that they may preserve the remainder. Just as other public functionaries, who are embezzling the public money which passes through their hands, can only carry on their peculations by an occasional sacrifice of their immediate objects, and by applying a part of the money to the services for which the whole was designed. But the judges dislike trouble as much as they love profit. Observe therefore their double artifice. Whilst, on one hand, by the imposition of profitable *delays*, they are occupied in raising the greatest possible revenue from such suits as can afford to pay for it; we see them, on the other, saving themselves trouble by excluding all such unprofitable suitors as are not able or willing to yield the judicial tax—thus outlawing from six to nine-tenths of the English people by a *denial of justice.* However, it will be recollected, that 'their most tender 'mercy is neglect.' Justices of peace and courts of conscience are the simple healthy fare of the servants' hall, free from the diseases with which the cook covers the table of the rich.

The professional lawyer came into existence as soon as ever any one was in want of legal aid, and could not get it without paying for it. Then began, too, the community of interest between the two species of lawyers, the judge who was paid by fees, and the practitioner—co-operators, not competitors, in the art of making business. First, by their removal of so troublesome an obstacle as the personal presence of the suitor, whom they tormented by delays till he accepted the privilege of saving himself from attendance as a special favour; next, by the division of labour, increasing the business with the number of hands employed in it. 'Each made business of his own, and business 'for the other. John was paid for attending Thomas; Thomas 'for being attended by John; John for writing what Thomas 'was to read; Thomas for reading what John had written.' Next, by laying in a stock of lies, whose utterance is business, whose refutation is business, the decision upon which is business. Their generation is more easy, their detection more difficult, the slightest flush of shame prevented, when, instead of the party himself, is interposed 'a gang of professional lawyers 'of different classes; as, in another branch of trade, the *hustling* 'trade, the greater the number of the partners, the more diffi'cult is it to ascertain, at each given moment, in whose posses'sion the watch is to be found.' The cases where the practitioner makes a profit, in which the judge does not share, are so intermingled with those in which he does, that a community of interests is established sufficient to secure the real object—a partnership; and this with more impunity—because the threads

of this corrupt connexion are now comparatively invisible—than if articles of partnership existed. The purity of the judges is in a certain sense compatible with a system rotten to the very core. It is probable no judge in living memory has received a bribe. 'Were I obliged, as suitors are sometimes in those courts, to 'make a bet, I would lay odds, that any new regulation would 'be framed more in furtherance of the interest of the public 'than of that of the learned partnership, since every day, in 'point of obvious prudence, it becomes more and more necessary 'for the partnership to consult that interest. But improvement 'might go on at the rate here supposed for centuries, and leave 'the character of the system, so thoroughly bad was it in its 'beginning, essentially the same. The reforms proposed are 'about as substantial as reducing the number of pledges to pro-'secute, or separating the two turtle-doves, John Doe and 'Richard Roe. No system can be so absurd or atrocious as to 'appear so to those born under it—much less to those who are 'paid for upholding it. In Mexico, human victims were under-'stood to be an acceptable fee—human blood, a *bonne bouche* 'to the supernatural and immortal judge.' Judicial injustice must be taken for justice, or it would not be endured. To keep the morals and understanding of the people as depraved as is consistent with personal safety—to construct and keep at work the engines necessary for this purpose, may be set down as the constant study and occupation of the man of law. Posterity will one day wonder at the infatuation by which a whole people were reduced to such stupidity as to believe, that a judge, by the repetition of three or four words, *null, void, bad, quash, irregularity,* could convert injustice into justice, and be persuaded that wilful falsehood was not only meritorious, but necessary to the administration of justice in any thing like perfection. 'There 'are decisions *on the merits,* and decisions *not on the merits.* In 'some future age, such openness will be hardly credible.' Engage a person once in an immoral act, and for his own peace and character he will soon seek to reconcile himself in opinion to what he has submitted to practise. In this way it is contrived, that, to obtain whatever benefits are granted under the name of justice, the body of the people must become one company of liars. The mire of mendacity through which a suitor passes into a court of law, is not less repugnant to the ends of justice, than is a roll in a night-cart a suitable introduction to a ball-room.

The track of utility is a common rendezvous for all minds,—there, or nowhere, all have a chance of meeting. But if you wish to avoid a rencontre, the slightest deviation from the appointed

spot will be sufficient. By stepping aside but a little out of the track of reason, the decisions of the judge are equally secure against all probability of conjecture, at the same time that the degree of irrationality admits of plausible pretences. It was, and is, the interest of the partnership, that the law be throughout as irrational as possible. Make but the materials inaccessible; and whether the law is really placed beyond the reach of conjecture, or only appears to be so, the consequences are about the same. In the first case, whilst two adverse parties are guessing at the law in different directions, a suit takes place, and the partnership benefits by it: in the latter, so much business is made for the opinionist, who is supposed to possess the faculty of conjecturing what is likely to be the eventual decision of the Judge. 'The Judge's mind is the firmament,—the opinionist the astrologer.' The more incomprehensible the science, the more wonderful what is called its learning; and the grand Lama's chair becomes a model of the interchange which is made between the lawyers and the people.

This is the fashion in which Mr B. hangs his study round with the scalps of those against whom he rushes into the field; acting on the crotchet of the ancient naturalists, that a serpent, unless he devours a serpent, cannot become a dragon!—It is expressly stated, that when Oughton's book was published, (twenty years before that of Blackstone,) no lay-lawyer had ever deigned to refer, in the loosest way, any part of procedure to the ends of justice. There is now and then an occasional admission, that folly may have more to answer for even than improbity. For, between the company of dupes and the fellowship of hypocrites, who shall draw the line? Indeed, the same person who begins by being a dupe, and ends by being an impostor, shall not be able to mark the point of transit. Alchymy and astrology are different forms of the same principle; one cheats men on pretence of making gold, the other of foretelling future events, the last of administering justice. Whilst the alchymist and astrologer probably set down their failures to the deficiencies of the artist rather than the art; the Judge sets down the repugnance between the course of procedure and the ends of justice to the nature of things—and receives the certificate of his brethren that it is unavoidable on any other system. But these are exceptions which have escaped in the milkiness and weakness of an unguarded moment; for, whilst the early canonists were thought extravagant and impracticable persons, for prohibiting all good Christians from engaging in the profession of the law; Mr Bentham evidently regards it as impossible that a lawyer should be, we will not say a Christian, but an honest man. Such is the

contamination, too, of his society, that a strong moral difference is expected to be perceptible between a man who has once been engaged in a lawsuit, and his more fortunate neighbour who has not. Coke, speaking of the lack-learning Parliament holden at Coventry C. H. 4., wherein 'no apprentice or other man 'of the law was permitted to be elected Knight of any shire,' observes, that there 'never was a good law made thereat.' Mr Bentham, who represents the Legislature as constantly gulled and thwarted by the lawyers, would expect to find it the only Parliament in which a decently just and reasonable statute ever passed. Thus he hangs out the bloody flag from the mast head: it is war to the knife! In despair of conciliating the fraternity whose province he is invading, his tone, from the first page to the last, breathes the same unmitigated defiance. He seems even to lament, and almost protest against the perusal of his book, by those 'unwilling and hostile readers,' into whose hands he yet foresees it must chiefly fall. It must be admitted, that the temptation they would have personally to withstand by refraining, is not exceeding great; for a nosegay of nettles is Arcadia itself, compared with the following flowers which we have taken out of the giant bouquet that he has prepared for their persons and their office.

First and principally, they are the favourite children of the father of lies.

1. v. 216. 'Under every system, every mercenary lawyer, under the fee-gathering system, every lawyer without exception, has an interest as unquestionably, though not as uniformly, opposite to the general interest, as that which forms the bond of union in communities of thieves or smugglers. For the sake of fees, they have an interest in prosecutions, for the sake of prosecutions in crimes—and especially in mendacity, the instrument and cloak of every vice; whence Judges, (being the only class of *malefactors* who have got the connivance of the Legislature,) have made judicial procedure a tissue of allowed, rewarded, and even necessitated lies. It is power thus obtained, which protects the mercenary advocate and fee-fed Judge from the infamy by which the occasional and unprivileged liar is overwhelmed.

225. 'The Judge is the great multiplier, for his own profit, of unjust demands, unjust defences, and unjust delays, wherein he has attached rewards to the lies of his subordinate instruments and partners; and having been suffered to convert his own lies into a source of profit to himself, he has multiplied them, lies—signed by his own hand, without limit and without shame.'

359. 'Special pleading, like libelling and forgery, has grown

out of the art of writing; with this only difference, that forgery conducts men to the gallows, special pleading to the bench.'

2. v. 143. 'The tastes and gains of the English lawyer alike lead him to lie. The lie of the bar is the lie of the bench. In equity too the suitor is forced to lie; on no other condition will the judge so much as profess to do him justice.'

193. 'They are gardeners who readily prepare the ground, and scientifically plant it with every germ of serviceable incorrectness. They are nurses who sing a lullaby by which the innocent are set to sleep, in order that they may drop into an abyss of falsehood.'

316. 'They are coachmen who will grease the wheels of their machine with nothing but falsehood, so familiar and so delightful is it to the ears and lips of an English lawyer. If a prisoner would confess the truth, it is part of the holiness of a Judge, the chosen minister of righteousness, to bid him repent of his repentance, and substitute in the place of it a barefaced lie.'

687. 'The English conveyancer beats all other nations out of sight in the field of legal lucre. In mere heaping up of words he may have his equal; but, in the practice of what is called *fiction*—the most pernicious sort of lying—with the support, and for the profit, of the judge, he has found an implement, in the use of which he stands alone. By this instrument of fraud and extortion he makes a man pay, as for the plain and honest expression of his will, for a tissue of absurdities that rival Munchausen or Mother Goose.'

4. v. 65. Speaking of the course pursued under sham writs of error by the Chief-Justice of King's Bench, he says, 'The official *custos morum* of the nation concurred, with six hundred men in the year, in the defrauding so many creditors, by uttering so many false pretences, by which he got so much a-piece; while, for a fiftieth part of the money obtained, each by a single false pretence, wretches were hanged or transported, by this same guardian of the public morals, by scores and hundreds.'

313. 'They are natural corruptors both of morals and understanding: wheresoever the use of fiction prevails, and in proportion as it prevails, every law book is an institute, and every court of judicature a school of vice. Let your son read Blackstone, and attend the Courts of Westminster, the day you make your daughter get Rochester by heart! A man's understanding must be brought to equal debility and depravation, who can really persuade himself that a lawyer's fiction is a lie of any thing but the worst sort. Fictions are to justices what swindling is to trade; and can be only necessary to it, as children having breakfast.'

394. 'Send a man to the common law for purity! send him to the common sewer to cleanse himself! The judges are setters of these traps.'

468. 'In the present state of things there is really no law; but what by a cruel abuse of language is called the law, is no better than one immense and everlasting snare; a field covered on its whole surface with spring-guns and men-traps, without so much as a board to warn the passenger of the destruction to which he is doomed. Justice the pretence; pillage the object; mendacity the means. Every thing is sham, but the iniquity of the pillage.'

423. 'The judges are coiners; they are spurious usurping legislators, making base law underground, as their brother usurpers make base money, and like them, with one everlasting lie, disowning their work. Nine out of ten of the propositions that, as part of the common law, have drawn their origin from learned bosoms, are absurd in themselves, mischievous in their consequences. In the statutes made by fits and starts for amendment of the law, is a small but fertile department, where may be read the wickedness of lawyers. It is a history that may match with that of Cartouche, Jonathan Wild, Japhet Crook, and so forth, except that it is without name. When the Legislature was obliged to interpose, the worst that could happen to injustice, was the putting her into new clothes.'

5. v. 117. 'For the particular modification of improbity, called mendacity, the objections lie stronger against the English judge than against the English advocate—itself a stronger case than that of the convicted perjurer. The judge won't steal your spoons; but he will beat the thief in lying. The special pleader, from his first entrance into the profession, never knew what it was to set his hand to a single paper without a lie in it. The technical system is a hot-house of mendacity; the advocate is picked out in due time from the bed of special pleaders, or Chancery draughtsmen, and is trained up in this stove,—the judge is the advocate run to seed. It is true, as in the Court of Exchequer, the same robes include two sorts of judges, a common law judge, and equity judge, whose vocation consists in thwarting the proceedings of each other; so in every court it may happen to the same envelope, to contain two sorts of human beings, a veracious individual, and a perpetually lying judge. If the demon of exclusion, however, must have pickings, let judges and advocates be the first: *Judico me cremari* was the decision of Judge Blackstone's righteous pope; take that case for your precedent, and say, *judico me excludi*.'

4. v. 273. 'They use, by gradations of demerit, to become ul-

timately the devil himself, crying " Come all ye that, &c., out with your money, down with your lies." '

The reader would be amused, 3. v. 633, by the pedigree of Lawyer Case: 4. v. 134, by the History of John Poor and Thomas Rich. 5. v. 287. There is an admirable chapter on lawyer's language or jargon, by which the legislator is stopped, either disgusted like Howard in a cell, by the heaps of filth, or bewildered in the thicket. ' The partnership look on and triumph.'

Before quitting this, not the least original part of Mr Bentham's work, it may not be amiss to present the reader with one entire passage, that he may judge for himself. We give a very characteristic specimen of our author's talent: a fragment from his Frieze.

' Nursing ignorance, Jargon serves at the same time for a screen to it. It does more: over a head of ignorance it puts a mask, exhibiting a face of science. It is the dissertation upon Sanchoniathon, presented to the Vicar of Wakefield.

' This is among the circumstances, that, under the technical system, concur in rendering quirks so pleasant and convenient to the thorough-bred judge. He feels a degree of awkwardness, where a decision is to be given upon the merits. If there be any statute law in the case, the letter of the law is a sort of check to him. Statute or no statute, the common sense of mankind operates at any rate as a check, and that a troublesome one. On this ground, decision, too, if it is to be on the right side, is apt now and then to require faculties which, whatever they may have been at first, have been enfeebled by habitual diet-drinks from the fountain of jurisprudence. If a man is wrong, he exposes himself; if he is right, he gains little praise, compared with what might be got by jargon or hypocrisy: every simpleton is ready to say, What is there in all that? 'Tis just what I should have done myself. Seated in a chair, in the character of a justice of the peace, with common language in his mouth, a common coat upon his back, and no hair upon his head but his own, Solomon himself would not gain the praise of wisdom. Seated on a woolsack, Barthdon would pass muster, while talking about entering appearances, or filing common bail, clothed in purple and fine linen, artificial hair and ermine.

' Every sham science, of which there are so many, makes to itself a jargon, to serve for a cover to its nothingness, and, if wicked, to its wickedness; alchymy, palmistry, magic, judicial astrology, technical jurisprudence. To unlicensed depredators, their own technical language, the cant of flash language, is of use not only as a cover, but as a bond of union. Lawyers' cant, besides serving them as a cover and bond of union, serves them as an instrument, an iron-crow or a pick-lock key, for collecting plunder in cases in which otherwise it could not be collected, by applying the principle of nullification, in many a case in which it could not otherwise have been applied.

'The best of all good times was, when the fate of Englishmen was disposed of in French, and in something that was called Latin. For, having been once in use, language, however, is not much the worse, so it be of use no longer. The antiquated notation of time suffices of itself to throw a veil of mystery over the system of procedure. Martin and Hilary, saints forgotten by devotees, are still of use to lawyers. How many a man has been ruined, because his lawyer made a mistake, designed or undesigned, in reckoning by the almanack! First of January, second of January, and so forth, where is the science there? Not a child of four years' old that does not understand it. But Octavos, quindecims, and morrow of All Souls, St Martin, St Hilary, the Purification, Easter day, the Ascension, and the Holy Trinity; Essoign day, day of Exception, Retorna Brevium day, day of Appearance, *alias* Quarto die post, *alias* Dies amoris; there you have a science! Terms Michaelmas, Hilary, Easter, and Trinity, each of them about thirty days, no one of them more than one day; there you have not only a science, but a mystery. Do as the devils do, believe and tremble.'

Disliking jargon as much as Mr Bentham can do, we are yet obliged to protest against his usual inference, that this mask of Science, put upon the face of Ignorance, has been put on by Fraud. His general theories expect a great deal too much from human reason, which is but a partner in the concern, and often only a sleeping partner. It is a special instance of the waywardness into which the wish to be flinging stones may hurry a philosopher, that, whilst proclaiming Reason to be now for the first time rubbing her half-opened eyes, he will yet submit to hear of no other solution for acts of prior unreasonableness, than wilful and interested error. Whilst the dialects of Europe were settling from their chaos, to have embodied a science in their fluctuating materials, would have been like casting anchor on the back of a slumbering whale, or employing Chantrey to make statues out of melting snow. The mistake only began in continuing Law-Latin and Law-French, with their barbarous terminology, after the necessity had ceased; whilst every day's experience shows us, in other matters, the honest longevity of such an error, especially from the excuses which are found in the familiarity of practitioners, and the significancy of scholastic terms for a scholastic purpose. Out-doors patients would, as Bacon observed, be equally barred, if not by the strangeness of the language, yet by the obscurity of the conceit.

Having been at times run out of breath, and found ourselves staring for a meaning among Mr Bentham's own reforming sentences, we could not but smile at the unsuspecting innocence, with which incomprehensibleness of expression seems laid down as conclusive evidence of fraud,—*Quam temerè in nosmet!* The

Bentham language, we will venture to say, is in this respect a match for any lawyer language upon earth. Menu would admit it to be the Sanscrit of modern legislation. Meanwhile we assure Mr Bentham that we have no suspicion he is playing booty as a reformer; although in the great persecution, his house was miraculously passed over by the destroying *ex officio* angel, and though his prose would occasionally excite the jealousy of Lycophron himself.

The second most striking feature, it seems, in the character of lawyers, is their cruelty.

1. v. 372. 'Of all descriptions of men (hangmen perhaps excepted, butchers certainly not excepted) the lawyer, and among the lawyers, of all nations, the English lawyer, is he on whom humanity may be regarded as acting with the smallest force—and least on him whose experience has raised him to the situation of a judge.'

2. v. 114. 'Prisoners' counsel are accessories after the fact, encouraged by the hypocritical and trust-breaking humanity of a judge.'

86. 'Expression of sympathy whilst passing sentence on a criminal, however justly suffering, is one of the common-places of judicial acting on the forensic theatre. However, in the case of browbeating, it has scarcely ever been observed, that the judge has tried to heal the wounds unjustly inflicted by the hand of the lawyer;—the real feeling of sympathy, in any such station, is not more reasonably to be expected, than on the part of a hunter for the agonies of the deer whom he has been running down.'

3. v. 147. 'The pretext of tenderness to the innocent and the guilty, is only an invention, by which the natural and implacable enemies of justice are enabled to extend the mass of their own despotism, by increasing capital punishments. They thus combine the profits of cold barbarity with the praise of humanity, and swell that state of things, by which every year the lives of men, by dozens and by scores, are laid at the feet of every English judge. In proportion as the procedure is loose, the punishment is severe. 5. v. 236. In the Genesis of lawyer-craft, death begets quibbles, and quibbles beget death. The tenderness of lawyers begins in selfishness, continues in hypocrisy, and ends in cruelty. 4. v. 569. Hypocrites! what reason have you ever given for your human sacrifices other than used to be given in Mexico, and is now given in New Zealand? If chance must decide, let it be fortune, and not fraud, in the name of fortune: If you must admit dice into your courts of justice, let your dice be fair.'

78. 'In reference to the punishment of a jury that had tossed up for a verdict, the judges are torturers—who compel men, by torture, to declare as their own the opinions they do not hold. Having, in their own instance, cast off sincerity as a habit incompatible with their profession and their office, they punish every symptom of it in others.'

426. 'The assumed character of the lawyer is that of physician—the real one, that of poisoner general. The particular personifications under which they work their diversity of mischief are almost infinite; more than the tricks of a Proteus, or the transmigrations of all Pythagoras's school.'

1. v. 506. They are accomplices.—'A man has committed a theft—all accomplices, but one, that assist him in his escape, are punished. Strange; what the non-advocate is hanged for, the advocate is paid for and admired.'

508. 'They are sellers of indulgences for crimes, under the sophism that the judge is counsel for the prisoner: that being the lying spirit sent forth, on this occasion, to deceive the people. 552. They are gorgers of the promiscuous spoil of creditors and debtors, the accumulated pittances of the distressed. 561. On the establishment of any thing similar to the Danish reconciliation offices; lawyers, official and professional, are a flock of half-starved wolves, at the time a sheep is rescued by the shepherd from their fangs.'

2. v. 191. 'They are domino-sellers for legal masquerades. Depositions in the third person, "this deponent sayeth," &c. being a commodious dress for a dishonest wearer, as well as for the tailor, who has the making of it—not a fool's, but a sort of knave's coat—a *wrap-rascal*—an habiliment manufactured for every suitor, and sold to him, at a masquerade price, by his lawyer.'

197. 'They are a partnership of leeches, of whom different orders, from the attorney upwards, are fastened iniquitously on a client. 200. The advocate is a shark; the judge, with a sword, called the sword of justice, in his hand, forces the suitor into his mouth.' 205. Next, 'they are cuttle fish—the fish, which to blind and confound its pursuers, deluges with a flood of ink the medium in which it moves. 205. The special pleader and the equity draughtsman might interplead at the herald's office for the privilege of taking for an armorial bearing this original manufacturer of troubled waters. 216. They soon rise up as metaphysical tinkers and shoemakers; with this difference from the real one, that no shoemaker finds a judge disposed to support him in making bad shoes—whereas every advocate finds a judge disposed to support him in making bad bills.'

284. 'They are players who sometimes forget to act their part (to look and talk moral) on the theatre of justice—thus judges wink to each other and to the bar, whilst perjured affidavits are reading, and treat it as a good joke. It appears, however, that while judges are *men* as well as players—such *must* be the consequence of affidavit evidence.'

306. 'They are manufacturers of a chaos of fraud and imbecility; according as the fraud and imbecility are more complete, they derive from their accomplices and dupes the praise of ingenuity and science.'

297. 'They are idolators: not only (together with others) worshippers of a jury—the idol with twelve heads; 586. but of an idol of their own creation, which they bedaub with praise, and to which they compel obedience—the nonentity of the common law. The Baal to whom this priesthood bow the knee, they have taught the people to worship as the true God.'

475. They are dog-trainers. 'When a man has a dog to teach, he falls upon him and beats him; the animal takes note of the circumstances in which he has been beaten, and the intimation thus received becomes in the mind of the dog a rule of common law! So men are punished like dogs, with a rod of fictions and unpromulgated common laws; they are beaten without mercy; and out of one man's beating, another man is left to derive instruction as he can. Lawyers are worse than Nebuchadnezzar, and require of all mankind to divine not merely the meaning of their dream, but the very dream itself.'

492. 'They are conquerors, whose footsteps are marked by ruin. They are brokers that offer premiums for corruption. 573. They are schoolmasters to teach injustice; of which the law of evidence is a great school, and of which every rule and maxim comes out a lesson of injustice.'

629. 'They are savages waiting for a wreck, or rather insurers making secret preparations for the manufacturing of one; inasmuch as they have not brought within the notice and the means of every individual the species of evidence which they may require to prove judicially, every fact in which he may happen to be concerned.'

5. v. 177. 'The savage is mild and placable compared with the English lawyer, the corrupter of blood and language.'

4. v. 639. 'The judges are slave-dealers, and the insolvent debtors are their slaves; the King's Bench prison being a Guinea trader, and the long vacation the long passage.'

5. v. 11. 'The judges are lottery-keepers, on a plan such as Mr Bish and Lord Bexley never thought of.'

29. 'They are psychological epicures one day, and carrion feeders the next. The judges, who elsewhere refuse evidence subject to the slightest taint, insist upon its being served up to themselves in the corrupted state of affidavits.'

202. 'They are doctors, who propagate in the body politic the vermin which they are afterwards to remove, imitating their subordinate officers, who will not fasten upon a pilferer till he has ripened to a burglar, or take a prisoner at L.10, who by a little forbearance might have yielded L.40. Just as among renters of fish-ponds, it would be bad husbandry to take a pike of five pound weight out of a pond in which he might have thriven on to ten pound.'

246. 'They are long-robed instruments and hawks; who introduced depositions instead of vivâ voce examinations into the Star Chamber, for their own profits. The royal falconer, after a prolongation of the sport, got his prey; the hawks were rewarded with their portion of the entrails.'

298. 'They are seedsmen. The origin of affidavits and depositions is, that they make business and pullulate with fees. Instead of examining the parties in the presence of each other and the judge, they set them to fight with affidavits manufactured by attorneys; affidavits are the seed, perjuries and fees, like rye-grass and clover, spring up together.'

559. 'They are automatons, only awakened by the chink of fresh fees, and whose decisions are determined, not by any account of human feelings, but by lapse of time. They should be made not by the King, but by artisans in clock-work and in steam-engines, as many as Westminster-Hall can hold, in addition to the four by which for so many ages past it has been enlightened and adorned; where they manifest their conscience by the mechanical signature of judgments with shut doors; while the parties, unheard and unthought of, are for their benefit paying their way through the surrounding offices, like half-starved flies crawling through a row of spiders.'

4. v. 47. 'They are shopkeepers and fishwives. When the original universal shop (the aula Regis) was broken up into four great shops, no contrivance, no wickedness, was spared by the competitors for judicial custom; and the brethren at last parted, like two fishwives, each with a handful of the spoils of her antagonist in her hand.'

130. 'They are spiders. Under the natural system of zoological economy, spider devours spider for want of flies; under the technical system of procedure, judge, give him time and power, swallows up judge. Thus devoured by the metropolitan courts, the county court exists only in name; it is as the shell

of the fly, which, after having been sucked by the spider, is sometimes seen flittering in the web.'

350. 'Common law and equity are depredators, who sometimes hunt in couples; one knocks a man into the kennel, the other, whilst he pretends to help him up, picks his pocket. They are also dwarf and giant. Injunctions are a second suit, and that an equity suit, piled upon a first. The common law suit is a dwarf; the equity suit, a giant mounted upon his shoulders. The whole trade is now consolidated into one vast firm, and all interests mixed together and rendered undistinguishable. The pound of flesh on one side, or the pound of flesh on the other! such, when the flesh of suitors is concerned, is the alternative given by the man of law. When the two sets of courts were at daggers drawn, the suitors were crushed by their collision; for a century and a half they have been on the best terms, and the suitor, who, instead of one court, is dragged through two, has suffered by their confederacy. *Discordia pestis, concordia exitum.* Ages ago, like Lockit and Peachum, they shook hands and embraced, and have ever since been playing into each other's hands. When one has picked the bones, the other sucks the marrow. When my Lord Chief Justice has had his pickings upon the error, how is he the poorer, if the bones of the cause go to be picked on the other side the passage? One day out of twenty, a fit of daintiness takes my Lord Chancellor; he won't try the cause, not he, for this time, without proper evidence! and so the mess goes over the way; an issue is sent to be tried by my Lord Chief Justice, with as polite a grace as if it were a slice of venison. 317. Judges at once, both of common law and equity, like the Barons of the Exchequer, with two sets of ears to hear, the longer ones for equity—two voices, with a falsetto for Chancery, are monsters such as Africa never disgorged, or Pidcock showed; double-faced and double-feed, with two half-consciences, whose surfaces have no more communication between them than the plus and minus side of the Leyden phial—the equity conscience asleep, whilst the common law conscience is spinning out delays, and picking up its fees.'

Such are specimens of the style that Mr Bentham has adopted in a work full of minute and elaborate disquisition; the labour of a life for the edification of posterity. They form as unsuitable ornaments as the grinning faces and burlesque forms with which the monkish builders have studded our magnificent cathedrals; and surely, in any lucid interval, the dropping a curtain over paroxysms like these ought not to be esteemed a sacrifice (744) to 'the humour of a day,' in a work which, if

'true or useful for a moment, will be so as long as there are 'men!'

A great majority of the personal imputations showered down upon judge-made law is derived from the epithet of fee-fed judges. Now, is there any man, at all conversant with its history, who can persuade himself that the real blots in our system are in those points which can be rationally referred to the variance between the law as it stands at present, and the law as it would have been, if the judges had been otherwise remunerated? Whilst the reasons for making the payment of services depend in some degree on the amount of services performed are so palpable, that Mr Bentham himself states them, and Mr Brougham seems even at present to be among those who are unwilling to part with the principle altogether. But, at all events, now that the judges' salaries are no longer paid by fees, it might be hoped, all would go on right. No such thing. Unfortunately, it is too late for the judges to be reformed.

4. v. 472. 'Present judges profit by the perfect system of misrule introduced in former times. For as no man ought to be wiser than the laws, so no judge ought to be more honest than his predecessor! In the time of Henry VI. when judges wanted money, they used to fix upon any man that came uppermost, and, converting him into an outlaw, sell what he had, and put the money into their pockets. At present the legal partnership get only a share; but what they get, they digest at their ease under the shade of law. Their duty is to preserve existing rules, and existing rules were made that justice might not be done.'

It would be curious in the work of any other writer to find, that, in the same breath in which Mr Bentham is stating the appearance of such a book as his own as a sort of miracle, he yet denounces lawyers as rogues or fools for not having carried all its suggestions into execution long ago. Every existing rule in contradiction with these suggestions is reduced to a similar alternative. And the judges themselves can never have furnished as many splendid instances of (what is perhaps justly thought their most frequent error) confining all their attention to the evils on one side. He is convinced that the refusal, in an action between two persons, to try a collateral issue, affecting a third person only, *sc.* a witness, is merely a lawyer's rule to secure a new action and new fees! He has made out for himself, with the same facility, the history by which evidence taken out of the presence of the court, has passed, in Chancery, from the court to the master, and then from the master's office to the examiner's. The sole reason, it seems, why the para-

graphs in interrogatories and exceptions are numbered, and not in answers, is that, in this instance, it happens to be for the judge's personal accommodation that perplexity should be avoided. Thus, also, judges receive the statement of parties in the form of written pleadings, not to save the parties the trouble of personal attendance, but that they may be spared the nuisance of examining low people. The signature of counsel to an answer, is required only because such is the interest of the advocate, the brother in trade and companion of the judge; and this case is simply contrasted with that of affidavits, instead of its being shown, why the same fellow-feeling could not also carry this further point in their favour. Summary jurisdictions are the only just ones, for they alone resemble the domestic and natural tribunal. Hence justices of peace have been, on account of their superior popularity, discountenanced by the jealousy of the king's courts. As the Turks have a prophecy in favour of Christians, Westminster is haunted with the hobgoblin of natural procedure. We must presume, therefore, that the several petitions in the rolls of Parliament presented against such summary tribunals, were forgeries, got up at the instigation of the chief justices for the time being. It is made a crime in lawyers that examination before magistrates is not final. Yet the crime, if any, is that of Parliament. Besides, it is no great encouragement to the profession to repeat the advice, when we are expressly told by Lambard, that the corruption of inquests having introduced the 11 H. VII.; nevertheless, his son 'chopped off 'the heads of some of them that had filled his father's purse by 'the execution of that and some other penal statutes.' Arbitration is never recommended by the learned gentlemen till they get their fees; yet how can lawyers recommend in cases of which they know nothing? and would it not generally answer their purpose better to make such causes stand over, since we are elsewhere told that remanets are not like mackarel, but come back quite fresh six months after, garnished with fresh fees? The difference between instruments under seal, and not under seal, arises entirely from judges being ever upon the watch to commit safe injustice. A peculiar sort of coloured paper for contracts, to be called *contract paper*, is among the requisitions which common honesty, under the direction of common sense, would have provided. The marriage service, as it exists at present in the Liturgy, (a formulary of vague generalities and historical allusions, instead of a lecture on the rights and obligations arising out of the most important of all contracts,) is nothing but a conspiracy between the priest and lawyer. The true reason why there is no long vacation at Bow Street, as well as for the

King's Bench, is, that a lawyer may want the help of a police magistrate against a thief as well as the other members of society. Criminal suits are represented in one volume to be not so well worth nursing as civil causes, for lack of plunderable matter, and therefore disposed of more in conformity with justice; in another, however, it appears, that the rule by which a prisoner is privileged against examination, is a professional invention, founded on the rat-catcher's principle of not destroying the vermin by which you live. It is not (whether this end might not be otherwise obtained is a different question) that the public may be satisfied by hearing the evidence, but that the judges may gratify their general love of falsehood, that they so frequently discourage the prisoner from pleading 'Not 'Guilty.' It is insubordination and perfidy in judges to make new laws, under pretence of expounding old ones; yet their position, it must be confessed, was embarrassing; for their refusal to extend the limits of this judicial legislation is represented also to have been a denial of justice; and we know it mainly originated in the Court of Chancery. The obstinacy by which the common-law judges thus necessitated the introduction of equitable interference, is allowed to have been contrary to their own interests; yet it remains equally true, that the common law was constructed by them upon no other principle but personal corruption. The absence of a code, and the existence of every abuse, are entirely owing to the legislature being controlled or thwarted by fee-fed lawyers; yet (without any explanation) jurisprudential law, that wicked professional manufacture, is mentioned as being free from the absurdity which requires two witnesses; whilst Parliament is said to have imposed the necessity on seventy-four occasions, between 1st Edward VI. and 31st Geo. III. These and other inconsistencies could only escape so shrewd a writer, from the determination to put a *caput lupinum* on the lawyer's shoulders, and turn him into the wilderness, as the general scape-goat for the sins of society. They are like nothing but the children's story: at whatever part of the stream the lawyer is found drinking is perfectly immaterial—he is equally the troubler of its waters.

The foolish optimism, so fashionable with some, (the partisans rather than friends of English institutions,) has driven Mr Bentham into the opposite extreme,—whatever is, is wrong. Through what transitions it became so, is also a question as easily disposed of. The inspiration of passion, and a transcendental confidence in the metaphysical formulæ of his own school, seem to have so entirely superseded all investigation into the real history of our laws, that we should as soon hope to enter on a

reasonable biography of the human race as moral agents, with those divines who will not stir an inch beyond original sin and Newgate. It is probably at the present day too late to determine the degree in which the lawyers of former times ought to be held responsible for the imperfect state of the object of their studies as a science, or for the violence and corruption which too often perverted the administration of the laws. A glimpse of the truth can only be obtained, by looking down from some antiquarian point of view, on the circumstances of each successive period. Mr Bentham's theory would have broken its neck in mounting there a hundred times. A single instance will explain our meaning. A stranger turning over a few numbers of our law reports, would, undoubtedly, fix upon the Fictions which accompany so many of our legal proceedings, and which generate a proportionate amount of litigation upon points foreign to the merits, as one of the most striking evils. Mr Bentham himself, we have seen, has mauled them, as young Coriolanus did his butterfly. As if the proverbial uncertainty of the law were not sufficiently provided for by accidental deficiencies of proof, and such other incidents as must arise occasionally, the law itself is seen throwing up a distinct series of outworks in divers conventional forms, which the suitor is bound to attack and carry with the same order and regularity, as though they were the substantial objects and defences of the cause. Thus the chances of defeat are multiplied,—defeat, too, of the most discreditable kind, as being certainly unconnected with, and probably in opposition to, the merits. It is a pudding, where lay simplicity may often well be puzzled, how the apple got within the paste: a nut, where many an honest man, who is entitled to the kernel, breaks his teeth over the shell. Yet, what is the history of these fictions? Most unquestionably they were not invented as so many dramatic exhibitions, for the amusement of the courts; for example, take the case of recoveries, a very nuisance, and Swallow street in the law; where an English Moliere might find in the Common Pleas and its learned Sergeants a happy pendant to the farces and processions in which *he* ridiculed the Doctors of his day. Yet recoveries were probably the best and only course Edward IV.'s lawyers could pursue; and so in other cases. We have no doubt, the Court of King's Bench was in the same odour of heresy with the real feudal aristocracy of that day, as it is with the mere game-law squirarchy of modern times.

The line between legislative and judicial power, was not then very distinctly drawn. Sir T. More, whose honesty is beyond all suspicion, and whose father was a judge of the King's Bench, quotes with approbation what he had heard from that reverend

man Chief-Justice Fineux, 'He who seeks to take from a judge the order of his Discretion, takes from him half his office.' They are supposed to have discretionary power in the adaptation of their own forms. These, accordingly, at a time when parliament either would not, or during its long intervals could not act, were often gradually moulded, so as to reach the rights behind them. According to the reasoning of that age, the form would draw the substance after it. The propriety with which this power was exercised, must of course be tried, by an historical examination of the facts, according to the objects on which it was successively employed. Looking over the statute-book during some centuries, where would society have been, if they had stood still also? The good sense of retaining fictions as a trap, because they were once useful as a bridge, is an entirely different affair.

The lawyers are declaimed against as hostile to all reforms. It is declared more reasonable to consult the Pope on a scheme for the propagation of Protestantism, or to have put into Bonaparte's hands the conduct of the war against himself, than to expect from lawyers an amendment of the law. Upon this subject we will only say, that the quagmire in which the Chancery folio seems to have been swamped and disappeared, is at least as much a political as a legal one. Let the public at least wait for the reports of the commissioners appointed to inquire into two other great divisions of the law. There are in those commissions persons, whom we believe to be as resolutely determined, as they certainly are eminently qualified, to execute their important trust. The prejudice alluded to is, we hope, an instance, however popular, of too hasty generalization. The general spirit of a body is not to be judged of by any individual who may happen to be at its head: least of all can it be reasonably presumed, that the opinions of the bar are included in Lord Eldon's; whom, with his great learning, his greater courtesy, and the patronage, wholesale and retail, of a quarter of a century, it has allowed decently to depart without even the common civility of a compliment or regret. A great Chancellor has told us, 'he 'that plots to be the only figure among ciphers, is the decay of 'an whole age:' should he fail in that, he must still have trucked the respect of the eights and nines, for a hollow popularity among expectant nothings. No one, we imagine, ever dreamed that the sentiments of the profession were to be looked for in the votes and speeches of its next most ostensible members,—the government lawyers, who represent in parliament nothing beyond their own personal tendencies, and the brief which the minister of the day may put into their hands. At the same time, it is so na-

tural that the human mind, 'drenched and infused in habits,' should contract a tinge from the soil through which it flows; and there is something so arbitrary in most positive pursuits, that the bias of one, which, instead of growing out of principles, is too much built up, like streets, of precedents, cannot be too jealously observed. The maxim, *felices artes, si solum artifices judicarent*, has its limits; and sometimes narrow ones. For, nothing surely can be a greater triumph of the cleverness of man over his judgment, than the habit so prevalent in all pursuits, which are sufficiently generalized to become symptoms, of changing the secondary motives into primary ones, and sacrificing the end for the means. The lovers of science are obliged to hold so long a parley with the handmaid, that they often finish, by forgetting the mistress altogether. Thus, the mathematician invents algebraic puzzles, which would have broken Newton's sleep. The Greek professor prefers Dawes and Porson to Demosthenes. The musician composes concertos, whose principal beauty consists in their being of almost impossible execution; and, worst of all, the French critics have had the heart to make *la difficulté surmontée*, one of the most attractive features in the countenance even of delightful poetry itself. What wonder then, if learned persons are occasionally seen rather exhibiting the attitude of a tumbler in his tricks, than the manly activity of men walking at once directly to their object? The greater the probability of any such professional love for the mechanism of an art, the less ought those who are thought infected with it, to be fulminated against as incurably corrupt, because they look more to technical considerations than the bystander part of the community can forgive or comprehend. Making allowance for this penalty of human weakness, which the law, in common with all other sciences, (and if Burke may be believed more than any other,) levies upon its followers; there has been movement enough among its members, to vindicate them from the charge of approbation, or even acquiescence in constituted abuses. Before Mr Brougham's late epic stride, (a third of which would almost outstep his subject,) men 'have come to the study of the laws of this realm with a mind 'and desire no less, if they could attain unto it, that the same 'laws should be the better by their industry, than that them- 'selves should be the better by their knowledge of them.' The reception given so long in parliament, and by too great a portion of the public, to the several propositions made by those great ornaments of the law, whether in practice or in theory, Sir Samuel Romilly and Sir James Mackintosh, leaves the responsibility in other quarters. Indisposition and supineness, despondency, readiness to accept a No, were not found in those its truest leaders.

To what is it, indeed, but to their wisdom and eloquence, their humanity and zeal, to the long nights of thankless labour they have endured, and to the arguments met, not by reasons but by votes, to the unflinching devotion of that example which they so disinterestedly offered, of *Virtutem ex me, fortunam ex aliis*, that we owe the present improvement in public opinion upon these solemn questions? Such improvements are at once the service and reward of the benefactors of mankind; though, in the present instance, one which the great champion who led the reformers through the desert, was himself, alas! destined as a service to accomplish, but not to see as a reward. If the lives of men, and the dark and blood-stained pages of our statute-book had not been cruelly made a matter of party politics; if successive divisions in parliament had not disgracefully manifested an obstinate resolution, that ministerial pride and jealousy would not permit any reform to be successful but what originated with themselves, it would not have been left for Mr Peel to hold up in his hand a little book of consolidated statutes, as a code Napoleon of his own. It matters little, indeed, ultimately to the country, by whom the work is done, provided it is done efficiently; or whether in its progress it may serve, in the shape of a toast at election dinners, the double purpose of a display, on one side, of ignorance and servility, and, on the other, of the amusing self-complacency with which a sensible man can be persuaded to take a sort of apotheosis-chair, under such circumstances, among the great legislators of mankind. The real glory of his predecessors was, that through good report and evil report, they brought the mind of the country forward to the point where the necessity must have become clear, almost to Lord Eldon. The credit to which Mr Peel is entitled, would have been something more precise, had he countenanced and aided these *early* labours: as it is, he has, on this, as on the bullion question, (and we hope to be able soon to add another,) the merit of not having stood out beyond conviction or repentance; and of having ultimately employed, in aid of the public intelligence and service, an influence to which these painful preliminary sacrifices could alone have raised him. The cardinal walked double and kissed the dust,—while looking there for the keys! Meanwhile, when he thinks of the history of these reforms, he must (if as sincere as we believe him) be as much ashamed of the temporizing compliances among which, for a time, he was thus obliged to herd, whilst more straightforward and comprehensive minds were sowing the field into which he has since so quietly and creditably come down at harvest-time, as disgusted at the base and obsequious hypocrisy of the idolators of office who

crowd round him, with fulsome compliments upon the very measures which they would be ready to denounce as revolutionary innovations, if proposed by other men. We congratulate both the country and Mr Peel, on the honourable distinction which circumstances have placed within his reach. As respects the objects themselves, he secures an intelligent superintendence, the countenance of government, and the numerical votes necessary for their adoption. But to the special enactments by which they are carried into effect, he must be, from their technical nature, as much a stranger as he has been, in point of fact, to the great preceding discussions by which their general necessity was established. There are two sorts of power; that of mind and that of station. Inventors are one thing,—capitalists another. A man does not become a Watt or an Arkwright, because he has the will and the good fortune to profit by their genius; nor have Rundle and Makepeace yet acquired the fame of Flaxman and Cellini.

We have kept our readers too long plunged in the nebula, through which Mr Bentham sweeps in his eccentric orbit. It is a singular contrast to emerge on a sudden out of this turbid atmosphere and scenery of Chaos, 'anarch old,' and find one's self instantly involved in reasonings high: 'sitting apart 'upon the hill retired.' Were a sensible man who knew nothing of the practice of the law, made for the first time acquainted with the object of its several branches, the more he became aware of the necessity for a clear arrangement and definition of rights and offences, and a proper scale of punishments, the greater would he feel the difficulty of anticipating the provisions which so complicated an undertaking might require. Such a task, adequately performed, implies a perfect knowledge of our condition both from within and from without, of morals and statistics, of human nature, and the objects of human desire, together with the changes impressed on each at every step in the progress of civilisation. But when he passed on to consider the remaining and more menial division of the law, (that of Pleading and of Evidence,) just in proportion as he understood the office which each of these was called upon to discharge, he would feel satisfied that a few simple rules, and those of instruction and caution rather than of indispensable obligation, were much sounder securities for justice within their respective departments, than all the distinctions which at present crowd the octavos of either science. Pleading comprises the forms in which the parties are expected to *state* their case; Evidence the species and amount of proof by which they are expected to *prove* it. Never did ingenuity more thoroughly overreach itself. The

judges forgot that the only object for which these subsidiary branches existed, was to feed the trunk and body of the tree, and not to draw away its strength in idle foliage of their own. Too happy, however, in the opportunity of inventing a new science, in an age when for lack of real ones the kindred subtleties of logic and school divinity were man's principal intellectual enjoyments, they went on constructing an independent system, artificially deduced out of its own technical principles; without inquiring how far any new figment was likely to assist or to impede, in the efficient execution of the superior chapters of the law. With reference to these departments, the pleader's guide is scarcely a fiction. The example thus set by the special pleaders (of whom that tun of sottishness and quibbles, Chief Justice Saunders, is the delight) has been in too many respects followed, in sundry matters connected with evidence, in a later and more enlightened age. Our ancestors had originally entered into few distinctions on this matter beyond certain heads of incompetency; later times (as if to make up for a most judicious tendency to relax some of those positive exclusions) have in another corner of the field raised a structure of arbitrary rules, as well as introduced a general uniformity and unbendingness, formerly quite unknown.

No subject could have been worse chosen for this purpose; technical learning could in itself never be more misplaced, nor artificial reasonings more ridiculous, than on the great majority of questions respecting evidence: or, in other words, than when laborious refinements are applied to determine, how far the existence of any given fact proves, or tends to prove, the existence of some other fact. If the legislator must consider the habits of criminals and the motives to crime, before he can hope to make reasonable laws for its prevention, the judges (who with trifling exceptions have invented the whole law of evidence) would have done well to have recollected, that the facts and inferences which come into play in courts of justice, regard average and human conduct; and consequently, that all their *dogmata* on the probabilities of this conduct should be true,—not merely in the case of some pasteboard man of their own subtle and Promethean construction; but true, most especially, of the beings, on whose actions they are deciding—of the man living in the world, the man who jogs to market, or hurries along London Streets. It is not enough that the Laws of Evidence are capable of being comprehended and colorably explainable by a lawyer; they ought to be such as would readily suggest themselves, and come home to the natural apprehensions of every one

who may wish to take his share in the concerns of life, and yet have no taste for the perpetual presence of his attorney. When the crane retorted on the fox his spiteful invitation, the supper is said to have been served up in long necked bottles; and a corkscrew, however ingenious, which would only draw its cork under the hand of a professional assistant, would scarcely satisfy a host who intended that his company should make merry. It is accordingly in vain, that the law gives rights and defines offences, if the judges interpose subordinate media of evidence, such as a plain rational person (who in many situations must depend on his own good sense) could never have anticipated; and such, therefore, as must defeat the primary law itself, as often as there is thus created an arbitrary and artificial impossibility of proof. A witness is hardly ever told to stand down, or a piece of documentary evidence rejected, (on any ground save that of irrelevancy, and in certain cases of hearsay,) but every bystander, who knows any thing about the matter, has an awkward feeling come over him, as if the court were throwing into the river, a key, which, though not made on purpose for the door, might nevertheless have opened it, could the lawyers but have agreed to try. He cannot understand why, like the bourgeois gentilhomme, the gentlemen will fence only by book, and let no hits be counted but what are made in carte or tierce, according to their regulations for the game.

The divergence from natural equity has here been so complete, that, in comparing Mr Bentham's volumes with our vernacular law books, upon the same subject, there is often almost as much difficulty in recognising an identity of subject matter, as any similarity in the mode of dealing with it. The substance and its incrustation, the plant and its habitat, appear equally unlike. Mr Mill justly observes, that half of our English works on evidence are occupied with the grounds of Title, or what have become so by being made necessary as forms and solemnities rather than proofs. The last volume, for instance, of Mr Phillipps, states, in treating of the respective forms of action, what are the respective points at issue; the first volume having exhausted the general law respecting the securities for trustworthiness, and the rules for weighing the probative force; which together constitute proof, and are the same in all actions. It is the actions themselves which differ in the nature of the facts necessary respectively to be proved. However, whilst in strictness, therefore, the *probans*, as the matter of evidentiary fact, and the *probandum*, as the substantive law, proof of which forms the parties title, are distinct, the two are so mixed up in practice, that, for

the convenience of reference, they will naturally accompany each other. After the clouds of his own dust, in which Mr Bentham delights to travel, have been blown away, the portion of his book, that is strictly legal, branches out into the following divisions. They are all treated with a comprehensiveness, and a minuteness, that are more and more astonishing, the more patiently they are observed.

'1. Principle of belief—the means of ascertaining trustworthiness of evidence; discriminating between the different securities for truth, both by the *sources* whence the evidence is derived, and the *form* in which it is taken; as, for example, by public, oral interrogation on both sides, aided by writing.

'2. Rules for extraction of evidence.

'3. Preappointed evidence—its objects—principal cases under it, as contracts, wills, recurring events, legally operative facts; in what manner it should be obtained—registration; and authenticity, chiefly of writings; how to be proved, whether original or copy.

'4. Circumstantial evidence; whether real, prior, or subsequent inculpative facts—character—cause and effect: improbability.

'5. Makeshift evidence; three sorts of written, five of unoriginal, as hearsay, &c.—copies. The hardships and inconsistencies arising from the exclusion of certain kinds of inferior evidence.

'6. Authentication; the best modes of authenticating facts, especially writings—the aberrations in English law; especially in not distinguishing between provisional and definitive.

'7. Exclusion; with its several causes, forms, and exceptions.'

Mr Dumont's recent publication of the papers upon judicial organization is a very valuable supplement to the present work, more especially in connexion with that part which relates to the preservation and extraction of evidence generally, and the admission of that of a secondary class. It seems too clear, from the evidence and the report* of the Chancery Commission, that

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* Among the fifty-three witnesses examined before the Commission, two have been particularly distinguished, Mr Bickerstath and the now Sir Lancelot Shadwell, but in different ways. The answers of the first exhibit the profound knowledge and capacity which mark out a master builder, against the season when this wing, of what Mr Bentham calls 'the castle of lawyer-craft,' (as great a national object at least as that of Windsor) shall have its turn to be repaired. The second, after stating that *the greatest iniquity* arose out of the present mode of obtaining, in

there is no device suggestable (for none was pretended to be suggested) by which any improvement in so important a point towards the security of truth, as the mode of taking evidence in

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Chancery, a common injunction to stay proceedings at law upon a bill filed without any affidavit of the fact, followed up this declaration with a naive account of his own proceedings. 'I have known this happen to 'me in practice; I have had a copy of a promissory note sent to my 'chambers, with a statement that an action had been brought by the 'holder against the drawer; and I was requested to draw a bill of in-'junction, without the suggestion of a single fact; upon which I drew a 'bill of injunction, *inventing of course, out of my own head,* a set of facts, 'which were so introduced, and were so connected with the promissory 'note, as to make it appear that there was a *prima facie* equitable ground 'why there should not be execution taken out. *I recollect considering 'very well whether that was a right thing to do;* but I thought this, 'that if those who had the control of a court of equity did not choose 'to take away that species of defence to a legal proceeding, it was not 'for me to say my client shall not have it.' The 'very well' applies, we think, rather to the recollecting than the considering. It would have been quite as well if Mr Shadwell had considered a little farther, both principle and authority. The principle of this class of injunctions was founded, as explained by Sir T. More, to the complaining judges, (whom he invited to dinner in the Council Chamber for this purpose,) on the necessity of those times, in order 'to relieve the people's injury,' not aggravate it; and to 'reform the rigour in the law by *truth,*' not delay its justice through falsehood. 'The species of defence to legal pro-'ceedings,' contemplated by those who originally introduced injunctions into a court, (whose favourite title was long a Court of Conscience,) was as different from that to which it is now applied, as the object for which the Temple was built, and that to which our Saviour reproached the money-changers with perverting it. The judicial authority of the court can furnish as little shadow of a sanction. Mr Shadwell was brought up at Gamaliel's feet, and might have found a motto to his Mitford (for the benefit of at least his pupils) in the following notice from a judgment of Lord Loughborough's, 3, ves. 501; which shews the doctrine preached in it is neither novel nor obsolete. 'A pleader ought, 'fully and fairly, without any gloss, to state the instructions which are 'given him. It is no part of the duty or business of a pleader *to make* 'a case, but to *state* it. In the old books, it is stated to be commendable 'in a pleader to say, *non sum veraciter informatus, ideo nihil dicit.*' The mischief of such laxity (like the more public scandal of attempting, by what is unfortunately so well known under the name of *browbeating* a witness, to extinguish the torch of truth, instead of light it,) is not limited to the immediate injustice. The general administration of justice is embarrassed. The one practice prejudices, in fact and in opinion, the only efficient mode of taking evidence; the other burdens every step with the obligation of additional formalities. In another part of his evi-

our courts of equity, can be introduced, without commencing the reformation in the structure of the court itself. Lord Thurlow was destined for years to administer a system of evidence, which, on the Duchess of Kingston's trial, he had denounced as wretched: it remains to be seen whether Lord Lyndhurst will find the means of freeing his new judicature from trammels that every hour's experience of his professional life must have taught him to condemn.

Our present limits leave us room for nothing beyond a sum-

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dence, Mr Shadwell, in consequence of '*the very flagrant abuse*' made of references for scandal and impertinence, thinks it would be better if the sanction of counsel were required. It is very plain, however, that an additional expense of signature, but not an additional atom of security, would be thus obtained, if counsel were to exercise no more prudent a discretion than that of which he has himself given the example, as above. It only makes the matter worse, to say that the difference between this and the other admitted cases of ambuscade and defensive warfare, as settled at a consultation, are differences but of degree. In such questions the degree is every thing. In all points of such very doubtful casuistry, instead of speculating *quam prope potest accedere ad peccatum sine peccato*, an equitable mind will take care to stop within the line, and not go an inch beyond the point to which, by the concurrence of common consent, he is impelled. Commissioners may report till doomsday, and Mango Capac himself bring us down a code from Heaven, but without judges perseveringly selected on those principles of efficiency and merit, which so justly distinguish the late excellent appointment, and a Bar that can draw a line of duty and abide by it, we shall be like an admiralty that should imagine every thing depended on the ship; nothing on those who were to command and fight it. Mr Bentham, of course, protests against the sham indignation of the judges upon sham pleas; 'when some miserable attorney, made into a scape-'goat, is immolated with great ceremony by the arch-sacrificator, who has 'drawn a hundred times worse with his own sacred hands. But, for the 'sake of deluding the people, it is now and then necessary to offer up an 'attorney.' Whilst, for any particular instance at present, he puts in the apology, that the mischief is not in the individual, but as a part of the system; less in the violation of any rules, than in their observance. It is plain, however, that in his Utopia, such practisers, instead of being raised up to the petty woolsack, would be dis-barred, with accompaniments, not unlike the ceremony under which the copyhold widow of certain manors lost her free-bench. For ourselves, when we came to this part of his statement, as once elsewhere happened, whilst reading the adventures of a more chivalrous Sir Lancelot, '*Quel giorno pur non vi leg-'gemo avante*;' but turning to MacFlecknoe, we provided ourselves with comfort, in contemplating the other half of his no less illustrous patronymic.

mary of some few of the considerations which have been impressed upon our minds by Mr Bentham's examination of the first and last of the topics above alluded to. Practical people would as soon expect to be asked to decompose the air before they breathe it, as to be required, before they believed, to ascertain the principles of belief. Nature, indeed, seems to have protected real life pretty stoutly against any evil effects from the subtleties of philosophy upon this subject; and though, when we advance further towards comparison and detail, we may frequently regret the want of a moral thermometer to dip into the human heart, and mark the different degrees of assurance, as well as of motives and desires, both in ourselves and others, yet the matter will not be mended merely by our agreeing to speak the language of arithmetical precision, as though we really had invented such an instrument. There is less risk of error in acting on what we know are only approximations, than in adopting the nominal perfection of an imaginary scale, of which we feel that we are not in possession, and which, therefore, we cannot be actually using. It would have been only a multiplication of interminable contradictions, and supporting a nominal science with ropes of sand, if, previous to the invention of the thermometer, the ancients, instead of describing the weather merely as hot or cold, and to-day as hotter or colder than yesterday, had sought the appearance of a certainty, of which they could not have the reality, by arranging their impressions in a row of figures. We can perceive no ground for belief, either absolute or partial, but our experience of truth and probability—and our own experience leads us to no higher point of accuracy than is implied by the imperfect standard of expression now employed; which seems (however unfortunate the fact) to correspond with the imperfect shades and distinctions existing in our own mind. The other theory that founds belief upon veracity, or a mere natural propensity to believe, furnishes us with no better instrument. Besides, how can the simple fact of belief, grounded on such assumed propensity, be a test of truth, except as far as the reasonableness of the instinct is confirmed by experience? We find, accordingly, in practice, that to whatever degree the principle may exist, and however we may choose to compliment it with the title of innate, it is soon overcome by a contrary experience; as for instance in the case of those who have lived among liars, or are themselves wanting in veracity.

Belief derived from evidence, and conviction produced by reasoning, are the two great moving powers and guarantees of human opinion and human conduct. Destroy this reliance en-

tirely, and an empty boat drifting in the middle of the Atlantic, is as useful and as noble a thing as man. Suppose our confidence in either of these criteria of truth to be only partially damaged, the dismasting and unruddering of our nature will be complete, in the same proportion as so insane an experiment may happen to prove successful. In all discussions, therefore, on the principle of belief, and the force of evidence, time is worse than thrown away, if our abstract doctrines are not made solid and practical enough to serve as a foundation for the actual weights they must have to bear. Moreover, upon any given occasion (whatever may be the subject) where we have to satisfy ourselves of the truth of facts, we are responsible (besides the increased chance of mistake in our immediate determination,) for all the confusion that must attend the arbitrary invention of inconsistent and fallacious rules, on a point of such universal application and general concern. Belief, as distinct from mathematical certainty; doubt, as depending on insufficient or contradictory probabilities; and disbelief, being only that form of belief which implies a triumph over and rejection of inferior by superior evidence, are states of mind with whose *actual* existence every one is familiar. As reasonable beings, it is our duty on all occasions to take every precaution that these several gradations of credit are in as strict conformity as possible with the proper probative force of the facts to which they are applied. As far as this relation is incorrect, we are imposing certainly on ourselves, and probably upon others.

It is an easy way of dealing, whether with mankind or facts, and saves a deal of trouble in inquiries and in individual distinctions, to divide them at first boldly and broadly into castes, and judge of them accordingly. But nature will not accommodate itself to such artificial moulds. Though we may clip our box-tree into the proper model, the self-willed and ill-regulated shrubs about it, instead of profiting by the good example the gardener sets before them, will probably go on shooting and straggling into boughs and branches as before. It is with evidence as with other things; one cannot have it always cut and dried one's own way; in such a case, to insist upon this or none, is rather the sulkiness of spoiled children than the wisdom of reasonable men, balancing inconveniences and choosing for the best. The manly way in which Lord Mansfield dealt with these considerations, when they came judicially before him, places him among some of his brethren like a philosopher among school divines. Accordingly, the Calvinistic school of jurists, who divide witnesses into the elect and reprobate, appear at times to

have been as much startled by the unexpected reality of good sound out-of-doors sense, in the midst of their shadowy unsubstantial notions, as Virgil's ghost was, at the flesh and blood, and armour, of Æneas.

It is plain, that before the rules by which belief ought to be guided within a court of justice can be satisfactorily fixed, it must be settled upon what principles it is regulated without. Now evidence is either direct or indirect. All cases of direct evidence assume that credit is due to our own senses and to those of other people; and also, that we may rely on the veracity of our informers for such facts as have not fallen within our own observation. In all cases of indirect evidence, whether called circumstantial or presumptive, this further supposition is interposed; namely, that we can trust our own experience and judgment, not to mistake an accidental relation of facts for a necessary connexion, otherwise we might be constantly inferring from particular circumstances, consequences which do not legitimately follow.

Unless both these suppositions are admitted, not only must we shut up courts of justice; but the world's great clock would cease to beat, and the pulse of social life stand still. The antients, and some modern civilians, have gone largely into this latter division of argumentative deductions, under the name of *artificial* proofs; in opposition to the outward evidence, obtained immediately and exclusively by the senses, which latter proofs they called in distinction *inartificial.* But so little real advantage has attended the laying down strict rules for judging of these presumptions, that we never yet met with a person who knew any thing of these ponderous writers on Presumptions, beyond their names. The English law has, at least, escaped the disgrace of this supplemental 'reading that is never read,' by leaving the whole chapter to that summary, but vulgar commentator, Common Sense. Burnet mentions a Treatise on Presumption, attributed to Lord Somers. The interest raised by the trial of Donellan, brought out another. Mr Bentham's observations on this subject, are characterised by the extraordinary extent and minuteness of the anticipative and critical survey of circumstances on which he enters. But, notwithstanding the voluminousness of prior continental writers, nothing can show more strongly their backwardness, or the insufficiency of mere learning, than the importance which M. Rossi attaches to Mr Bentham's distinctions between evidence direct and circumstantial; as also to those between circumstantial and evidence strictly secondary. It seems that many condemnations have been

pronounced in our own times, especially by extraordinary tribunals, under circumstances where a just attention to the different considerations arising out of these distinctions, would have led to contrary conclusions. Notwithstanding the blunders juries must occasionally commit, and that the institution has fallen under Mr Bentham's heaviest displeasure ; we cannot but suspect that the advantage of this comparison in our favour, is not owing more to the humanity of juries, than to their plain practical familiarity with the business of life. If, as would seem therefore to be true, no rule can be safely given for measuring the degree of relationship between any two facts ; it is not likely that much should have been left by nature for science or legislation to accomplish, in framing arbitrary propositions by which our confidence in the human senses, or in the veracity of mankind, must be adjusted. General rules are worse than useless where no two cases can be alike ; and where every one, therefore, if really *tried*, must be tried by its own circumstances, and not by antecedent maxims, however correctly true in some preceding cause. It would be as wise to lay down at Lloyd's positive regulations, obliging every captain, when the wind carried away his jib, to throw over his cargo, or when he was within a certain distance of a rock, to abandon his vessel. A distrust in the testimony of the senses, pretended by some philosophers, is not practically more absurd than a disbelief in the existence of truth, applied to whole classes, even when they may be subject to certain biasses and failings. Yet, it is upon this moral scepticism, equally overwhelmed by universal experience, and without the sophistry of metaphysical education and necessity to excuse it, that the whole theory of exclusive predestination is really bottomed. The average of falsehood in the world (much less of successful falsehood) struck upon an estimate of the innumerable transactions of daily life, would be small indeed, notwithstanding the prevarication of schoolboys, the gossiping hearsay of a provincial town, or the market overt of a cover side or a club-house. The lie is, even in such cases, where it is worth while, soon run down ; it is either earthed by being followed up to its original inventor ; or by the application of the test of a few sharp interrogatories, it shortly appears in a dark precipitate at the bottom. But among grown up persons, and in serious matters, this is done much more readily and efficiently. For in proportion to the importance of the fact inquired into, the availability of the intrinsic, for the most part, and certainly the exercise of the extrinsic securities will naturally rise.

The securities for truth are intrinsic and extrinsic. The in-

trinsic depend for their operation on the personal disposition and qualities of the party, and consist of the following interests; some of which will, more or less, bear upon every narrator of a fact, whether in a coffee-room, or a witness-box. 1. The greater facility and naturalness of telling truth; this assumes the intellectual proposition, that an act of memory is generally a less difficult effort than an act of invention. 2. Character. 3. Religion. 4. Temporal punishment. 5. Moral principle; on whatever state of mind it is supposed to depend, whether conscience, sympathy, love of justice, utility, &c.

The extrinsic securities consist in the precautions which are taken for accuracy in the original observation of facts, and in the subsequent preservation of the evidence respecting them; also in the combination of every possible form and instrument for their complete and correct investigation—publicity, confrontation, examination *vivâ voce*, and cross-examination, with the appropriate use of writing—conducted in the presence of the judge who is to decide upon its effect. These outward arrangements are not only our best guards against any errors of understanding and of accident, but they are the grand specifics for keeping the intrinsic securities sound and active; and our only real protection, that, when the intrinsic securities happen to be endangered by falsehood, the falsehood of the witness shall not pass on, and become the misdecision of the judge. We will merely observe, in passing, a remarkable coincidence of imperfections between the practice of the Court of Chancery in the form of taking evidence, and that of the worst continental systems. Publicity is as yet neglected in the greatest part of Europe—and evidence is taken in private in the Court of Chancery. That evidence should be taken by one judge, and tried by another, is common law half over the continent—so it is the only course pursued by the Court of Chancery. Cross-examination is a word peculiarly English—yet cross-examination is so dangerous in equity to the party who should dare to use it, that a rigid abstinence from it is the first thing taught his pupil by a draughtsman; and it, in fact, can be said to exist almost as little as though it were forbidden by act of Parliament. With all the advantages, in point of form, which a common law examination has over the secret procedure of courts of civil law, what should we say to a complete loss of cross-examination at Nisi Prius?

Such being the general principles, it is evident, that, in order to ascertain in any given case of testimony, the probability of its approximation to truth or falsehood, we must satisfy our-

selves, as well as we can, of the force with which these different securities, internal or external, existed or were employed. The loss or imperfection of any one security does not neutralize the rest. A man, whose invention is more mercurial than his memory is ready or tenacious, may yet be as veracious a man as lives. A, from invincible stupidity, cannot comprehend, or, from a Chillingworth-like vivacity and scrupulousness of ratiocination, argues himself backwards and forwards into or out of, a belief of a future state; yet, in either case, he may love truth well enough to be prepared to die a martyr for what he thinks to be its cause. B has committed a felony, or even perjury, yet he may be reformed; or having stood in the pillory once, he may by possibility not have acquired such a passion for rotten eggs, that, without any other assignable motive, he will commit perjury again to get there. C has an interest in the cause or question; but, from jealousy of reputation, respect to himself, or fear of hell, would rather sweep the streets than stain himself with a single prevarication. Real life could not exist a day, were it universally assumed, that, when you have brought home one motive to a man for truth or falsehood, the business was done. We are carried forward by the sense of pains and pleasures. If you wish to know the amount of the aggregate interests either way, acting on the mind with relation to any given fact, you must count the forces on both sides; the difference is the amount. Leaving out any of the interests, or reckoning the pounds for shillings, and the pence for pounds, you can employ no surer means for being deceived. Bacon calculates that there is no passion so weak, but what has on certain occasions conquered the fear even of death; therefore the *species* of interest will furnish no conclusive inference respecting its *degree*. The number of interests just as little; one ruling passion will outvote five weaker ones, or swallow them up if they say a word. Mere tendency is not enough even in physics, or every body would be at the centre.

It is doing nothing in the way of excluding falsehood, but probably a great deal in the way of excluding truth, to select (whether well or ill) some half dozen objections as final, when there must remain behind untouched, an immense mass of motives to restrain or excite mendacity, which no human being can separate and balance, but those before whom the particular case is laid. The scales of justice are trifled with, and not aided, by our imposing on the blindfold goddess, with a putting in and taking out of imaginary weights. When these proportions that apply strictly to the question of veracity are settled, an en-

tirely distinct debtor and creditor account must be next gone into—the comparison between the risk of prohibiting, and of inconveniences from requiring, any particular sort of evidence.

Scarcely any defect in the mode by which evidence may be extracted can amount to a *total* destruction of its credit. Still the immense interval, as respects its distinctness, completeness, and correctness, between the two extremes (the worst and the best), cannot, when we look at the practice of most countries, be contemplated without dismay.

Even in the case of honest parties, willing witnesses, fair and wise tribunals, the difference is still of vast importance: in the case of dishonest parties, unwilling witnesses, and doubtful tribunals, the difference will be life or death. The course pursued by the English law in the arrangements that regulate the species of evidence it admits, and the mode of taking it, is occasionally very singular. It is droll that the trust-worthiness of a witness should vary, not on points relating to himself, but on the species of judge before whom he is called, (5. vol. 432.): for example, the Chancellor—King's Bench—Barons of Exchequer. But, as though it were feared the truth should be too much got at, in the instances where the exclusion is taken off the witness, a corresponding clog is put on the form in which the evidence is received.

At common law you shall only hear half the possible evidence, but that half you shall hear in the best manner; in equity, where the examination is taken in the epistolary form, and in all that is brought before judges on affidavits, you shall hear the parties themselves too, (in equity to speak only against, and on affidavits for, themselves); but then the manner must be the worst. In one event, you shall decide upon half the case, that half being thoroughly ascertained; in the other, you shall have a good part of the remainder of the story told, but under circumstances that leave you comparatively without any security that a word of all you have heard is true. Quantity and quality must not be both good at once; 'that were an ignominy and a pain indeed.' So they vary inversely; just as a man buying land may choose between a little good in a ring fence, or have the difference in quality made up, in number of acres, lying at a distance, indifferent and uninclosed. It could never have happened, if the subject had been inspected with the eye of reason, as well as that of science, that, instead of so natural a remedy for difficulties in the discovery of truth, as improvements in the mode of investigation, mankind should have imagined the same object might be obtained, by closing up a portion of the pipes through

which information was to be conveyed. To make this proceeding at all plausible, it became necessary to allege that there was some treacherous decomposition or deposit, poisoning the suspected channels.

If it is agreed that the presumptions in favour of truth really rest upon the general securities we have mentioned, such a thing as general disbelief is out of the question: and particular disbelief, to become at any time intelligible, can only be an exception, founded upon one of the three following contingencies: 1. Personal suspicion of the witness; in which case, the result must depend solely on the scrutiny of individual character and circumstance. 2. Special contradiction; which must be determined by a comparison of the opposite testimonies. And, 3. Improbability; which, whether physical or moral, is nothing else, than that there exists a case of supposed general contradiction on the other side. Our present observations must be (as we have said above) restricted to the first objection; and will apply to that, only as far as the imputation is grounded on the inference of total incredibility, from an imputed want of morals. In our preceding reference to the general sanctions for truth, we necessarily anticipated the proper answer to any argument of conclusive incredibility based upon such suspicion. If the strongest of all examples; we mean the case, where the existence of a temptation to violate truth, and also the existence of a corrupt habit of yielding to such temptation, are both proved, is not a sufficient justification of peremptory exclusion, nothing need be said about the minor hazards. For, as courage is all you want on a field of battle, so the only moral quality that can be of the least service in a witness-box is veracity; nor for the purposes of justice, does it at all signify from what motive it is derived. The witness-box is not set apart, like the pulpit, for a special class of persons; nor need human nature be changed by mounting up its steps. It is dangerous to leave hold of just principles, our only clue in the labyrinth of life. That, once done, there is no limit to the point where we may be carried, by the possible application of, or refinement upon, inferences, whose origin is essentially artificial, and in opposition to our ordinary habits and experience. They who begin by subtilizing on a certain quality of witnesses as indispensable to belief, are on the fair road to the mystery of some Pythagorean number; and may reach at last the certainty required by that general council, which provided, that nothing short of the concurrence of twelve witnesses should convict a cardinal of any crime. A little further, and the rule laid down by Scriblerus will be established law (as good as that of *crowner's quest*), that

when you see a clergyman in liquor on a bench, you are bound to believe it to be an ocular delusion—one of those temptations by which the evil spirit is permitted to bring the clergy into contempt.

The only effect of the absence of any one of the securities for truth, is, that we can no longer reckon upon *that*: and that, whatever weight belonged to it having been deducted, our sole reliance must be derived from the remainder. It is not until we meet a character where we are satisfied that there is no such remainder, and that the fatal pen has been drawn across the entire list, that our confidence on this account alone should be totally withdrawn. Whoever allows the correctness of the above catalogue of securities, can scarcely escape from this conclusion. Mr Bentham, indeed, will not expect his converts to increase, among those whom he represents as trained under the following rule of legal logic. 'Take any arrangement that comes uppermost, the more irrational the better; if you want a *reason* for it, write it over again with a *for* before it.' And beyond all dispute he is justified in his ridicule of the professional arithmetic, by which, in the case of an accomplice, 'though interest incapacitates, and criminality incapacitates; yet interest and criminality each in the highest degree do not incapacitate together.' The more bitingly, however, the stringent blister of this (*argumentum ad hominem*) may apply, the more conclusively must an exception so gigantic serve as an example of the confidence which may be safely placed in the residue of the securities, even when some of the most powerful are removed, and the greatest of all known moral disturbing forces substituted in their room.

A science is cheaply made, as far as it consists of the unnecessary multiplication of a variety of incongruous modes of doing a thing substantially the same. The best method should be carefully ascertained, and made the rule. For every exception let in upon the rule, (and daily cases of necessary deviations must arise,) the court ought to be prepared with reasons of public or private inconvenience, sufficient in the case before them to overrule the considerations on which the general maxim stands. Now, judicial evidence is properly nothing more than the best system of verifying those facts which the law has established as the origin of title, on one hand, or the violation of it, whether civil or criminal, on the other. The leading test, therefore, of every rule on this subject, can only be its aptitude for bringing to light such facts, the actual existence of which the law has identified with the sacred rights of property and person; but which rights must remain a mockery or fallacious sound, as of-

ten as the facts, though actually existing, are made or are left incapable of legal proof. The satisfaction of the public in the administration of justice, is a point certainly of great importance. But, if the people are indeed satisfied with the two great tables of the law, civil and criminal, there is no reason so to doubt the good sense of any nation, but that a free press and open courts must soon bring round the public mind in favour of that school of evidence, which was actually proved to be the surest discoverer of truth. It is the intermediate patronage of opposite and erroneous forms, which does its best to bewilder and mislead us. The necessity, in several cases, of express national precautions for preconstituting and preserving evidence; and in others, of permitting the reception of inferior proofs, in consequence of a preponderating delay, vexation, or expense, from the production of the superior ones, are separate topics; and in proportion as it is important that they should be duly appreciated, it is fit they should be studiously kept apart, and treated separately. The English law, instead of taking a comprehensive view of the advantages and disadvantages comprised in the solution of this latter problem, and of pointing out, in the language of instruction, rather than of command, the probable contingencies under which its primary requisitions might be waived, has misspent a great deal of good time and labour in endeavouring, in the shape of protection against misdecision, to improve on real life, and obtain a degree of romantic certitude beyond what the subject will permit. The wisdom of this world cannot tolerate the idea that so little is left for it cathedratically to perform; instead of leaving well alone, it screws up its imaginary securities until our hold of the real ones is loosened; it risks the substance, because it has a fancy for the shadow too; and will keep tinkering away on that corner of the case, where, from its nature, for every four holes that it stops, it must open half a score. Although we have been discreditably careless in our neglect of arrangements for pre-appointing and securing evidence in a great majority of the most probably litigable facts, we have not been the less severe in calling for the minutest proof. Besides the danger of injustice, in seeking for perfection when it cannot be attained, there is in this course a wasteful extravagance scarcely less culpable, as often as all cases are compelled to go through the ceremony of the same species of authentication that was really wanted only in some. It would be as reasonable to order a whole population, the healthy as well as sick, to Devonshire for a winter, (making it a sort of Mecca under the College of Physicians,) because a certain class of invalids had been found to benefit by the precaution.

However, this modification of the sins of English jurisprudence has been so universal, that it almost looks like part of the penalty of Adam. In questions of judicial evidence, the various substitutes for reason which mankind have chosen to accept, are not the least curious section in the history of the human mind. Wesley casting, in the Sortes Virginianæ, the horoscope of the future; or Mr Croly, outdoing Hohenloe or Joanna, explaining coming events out of the dregs of his prophetic slop-basin, have scarcely got hold of more fantastical proofs for facts that are yet to happen, than have at times been gravely and systematically acted on in courts of justice, in behalf of facts that are supposed to have already taken place. The fashion of different ages and countries has been as capricious as though the subject matter were caps and bonnets, instead of property and life. In this, as in other ways, force, fraud, and indolence, long found their advantage in throwing all the responsibilities of life into the lap of a special Providence. In the East still, and over all Europe formerly, the recklessness with which truth was violated, and the grossness of superstition, might almost account for battle and ordeal; and, after trials by human evidence were once introduced, will explain the indispensableness attributed to the religious sanction. As far as reason meddled in the matter, precautions would vary from time to time according to the political condition of different countries, the state of civilisation and social manners, the nature of tribunals, &c.

But there remains a great and suspicious variety of rules, branching off on this point in different countries, and before different tribunals in the same country, beyond what can be thus accounted for. An equally diverting and irreconcilable diversity abounds also in the fancifulness of the reasons given at sundry seasons for most of the said rules. A volume might be written on the varieties of evidence, from the Hindoo and Mussulman conceits, (that often seem to be too ludicrous to belong to beings of the same species with ourselves,) down, through the Leges Barbarorum, to the discrepancies of modern Europe under the great legal schism of our own peculiar system, and that of the countries governed by the civil law. Principles are stated as the reason of a rule; and then only one of a hundred cases, which would be governed by the reason, are included in it. The words *necessity*, *public policy*, *inconvenience*, *confidence*, are often applied to the gnat, and pass by the camel. Fortunately, it is with these experiments as with proverbs, (and most other attempts to overdo a subject, and squeeze too much into a given compass,) instead of an overwhelming unanimity upon a few common objections, they have lost all authority by their mutual contradic-

tions. Such violent generalizations of a few particulars into despotic rules can secure no object beyond gratifying the understanding with the air of science, and the will with the sauciness of partialities and power. The praise which has been lavished upon the logic of the English law of evidence, (a merit of which the subject properly treated is as little capable as of rhetoric,) would have been more justly bestowed upon the fact, that it deals less than other systems in exclusions; and that the judges of the present day incline most wisely to reduce objections against the *competency* of a witness to their proper character, of objections against his *credit.* Were our restrictions any thing more than an imperfect copy of still sterner disqualifications in the civil and canon law, Mr Bentham would undoubtedly deduce from our insular maxim, that 'competency is for the court, 'credit for the jury'—a moral impossibility that these distinctions could have any other origin than the intrigues of English judges for the extension of their authority.

However deep his original prejudices may have struck root, no student can be long under Mr Bentham's hands without 'a 'change coming over the spirit of his dream;' and without his diving again and again for a satisfactory answer to the reiterated questions, How comes it that this distinction between want of competency and want of credit in a narrator, is never heard of in the world, during any discussion concerning doubtful facts, of whatever description they may be? What is the principle, and therefore what the limits of the difference which ought to subsist between the method of taking judicial evidence, and that practised by all men for getting at the truth, when once outside the walls of a court of justice? Surely it is a self-evident proposition, that the proper mode of investigating any fact cannot at all depend on the use to which the fact is afterwards to be applied. Would any one believe that another meant to deal fairly or rationally by him, who was to insist on first knowing for what purpose information was wanted, and was then to change his directions according to the answer that he received? It cannot be pretended that there is any thing anomalous or monstrous in the facts reserved for judicial investigation; they are of the same nature with those of ordinary life; differing only in the more urgent necessity that they should be thoroughly ascertained, and in the important purpose for which they are to be employed. They are now no longer mere objects of curiosity, but have become indispensable preliminaries to justice. Accordingly, there can be just as little foundation for any distinction in this respect, between the amount or nature of the necessary evidence, as the fact may happen to form a link in the

chain of civil or criminal proceedings; because, in one case, it can affect only his property, in the other, may touch his life. Burke gives too great encouragement to some such idea, when he observes, that, in property and civil matters, as being things of man's creation and contrivance, legislators and jurists may raise their own fictions and presumptions, *Jus non deficit, sed probatio;* because such are the solemnities of positive institution: Whilst, in crimes, the only allowable presumptions are natural and popular probabilities turned into maxims. John a Nokes may lose his rights by neglect of form; but the state, in public prosecutions, has an interest only secondary to that of justice. Now, this is saying little else, in other words, than that a state can better afford to be foolish in cases of the first than of the last description. A may keep the estate of B with less danger to society, than a criminal be again turned loose upon it. However, it was undoubtedly this contrast which (notwithstanding the maxim that innocence was to be presumed, and in the face of a doctrine whose traces are now nearly but not quite worn out, *sc.* that greater strictness of proof was necessary in criminal than in civil matters) introduced relaxations on the point of incompetency, into our criminal, beyond what were admitted in our civil law. Nevertheless, two singular anomalies to this relaxation were thrust in. In the one, religious passion—in the other, political oppressions were strong enough to reverse the course which the necessity of suppressing crime had otherwise given to our exceptions. Look at Lord Mansfield's account of the debate in the time of King William concerning Quaker evidence. Until the other day, let the very same fact have been committed upon, and in the presence of a hundred Quakers, the party might recover private satisfaction in an action for the civil injury that he had sustained; but society could obtain no security for the prevention of similar misdemeanours, by the punishment of the offender. Were the wrong-doer fortunate enough to elicit, on cross-examination, in the action, that the injury amounted to a felony, or capital offence, he would have saved himself even the civil damages, and have escaped with complete impunity. A series of political murders, followed up by one so striking as that of the Protector Somerset, provoked the statute that stipulated for two witnesses in treason. For want of this second witness, Hampden could not be found guilty of treason; but he was indicted upon the self-same facts for the misdemeanour. Thus, in the former case, the fact is true on one side of the hall, and false on the other, though proved by the same witnesses. In the latter, the fact in the same court, and within the same half hour, is true or false, according as the pu-

nishment, which is sought to be inflicted, is fine and imprisonment, or death.

Though no line of demarcation can be drawn to any useful purpose, as a guide in evidence, between judicial and other facts, or between judicial facts, according as they may be the materials of civil or criminal proceedings; nevertheless, two classes of facts exist, with a broad and tangible division, whatever neutral space may lie on either side. A clear observation of this boundary must be, in many cases, the only proper test of the degree of credit rationally due to inferior sorts of evidence. Under certain circumstances, it founds even at present the most plausible, as (with better measures and facilities of no difficult adaptation) it might be raised into one of the safest and most justifiable principles of exclusion. There are deliberate acts and events of regular recurrence on one hand; there are on the other, injuries, accidents, and acts which must be done on a moment's spur. This plain distinction has been very partially attended to, and professedly only in one direction; that of straitening the general rules by additional restrictions in certain cases of the first class, seldom, if ever, in that of relaxing them under the last; except where, as has been already observed, necessity has been allowed occasionally, but most imperfectly and capriciously, to break in upon the strictness of incompetency in aid of the public peace. A prudent legislator would marshal the corresponding facts under two great classes:—1. Those which depend upon voluntary disposition and contract. 2. Those which depend upon compulsory or accidental causes, beyond the control of the party to be affected by them, as principally, trespasses and crimes. Having done this, he would give efficient notice of the precautions which he requires to be taken under the first division, and provide opportunities for complying with his requisition. After such arrangements were once recognised, whoever, instead of being armed with the appropriate guarantee, should, without special cause, resort to inferior evidence, would justly fix on himself whatever objections appertain to the guest that forgets his wedding garment. Besides, with the view of encouraging that degree of caution which it is the interest, and therefore the right, of a community to exact, there is nothing unreasonable in saying, that a party who has been accommodated with the knowledge and the means of giving to society a specified degree of security for his legal title, shall not, through perplexities of his own creating, make others partners in the consequences of his own folly. Courts of justice exist for the common benefit, like the parish pump and county dispensary; yet the applicant, in one case, is expected to bring a bucket, not a sieve;

and in the other, a prescription which the servant asked to make it up can read. So every man is bound to get his cause into a state fit for adjudication; least of all, not to tangle the skein himself, and then call on the public officer to untie his knots. A country is a great insurance company, which undertakes only against certain risks, and in the use of ordinary prudence. There are no rights, however originally clear, but what may be lost by mismanagement, or waived by negligence: it must be so under any system, unless society will resolve into one eternal committee of litigation, and carry the play of the *Plaideurs* into real life, for the benefit and torment of each other. Half-a-dozen Mr Bruce's would want a court of Chancery for themselves.

However, let us suppose more to have been done in the way of preappointing and preserving evidence, than any legislature has ever yet attempted, or any legislature can possibly perform. Were every third man turned into a notary, and were it made penal to go to sleep without a police-officer in the room, hundreds of facts, whose proof might be indispensable to the justice of to-morrow, would be as far as ever from being surrounded by the circumstances and witnesses of our choice. The business of a single day would shiver to atoms, in its effervescence, the pedant apothecary phial, where it was thus attempted to seal nature hermetically down. In cases of the first class occasionally, in those of the second constantly, the only evidence that justice can obtain, will be the oral testimony of such persons as happened to be witnesses of the transaction, or evidence of a less satisfactory description than it would have been wise to stipulate for, in case witnesses and evidence were things to be had for asking for. As far as they 'will come when we do call,' there can be no dispute respecting the propriety of calling for the best. But when the dilemma is clearly made out to be, this or none:—surely the force of imagination is more apparent than the force of judgment, in the negative alternative that all nations have preferred. It is worth while to remark briefly the facts, whether assumptions or consequences, attending either plan.

On the side of exclusion, rules of this kind imply two suppositions equally unjust: the first, unjust to the witness; the second, to the tribunal. To proscribe whole classes as unworthy of credit, is to misread and libel human nature: to conclude, that whenever evidence is treacherous, we must be deceived by it, is to stultify ourselves. Moreover, any particular set of disqualifications, inverted in one age to bind the opinions and conduct of another, presupposes a prophetical infallibility, that (if absurd in any case) is particularly absurd, in relation to those moral quicksands, which change as society changes. The com-

parative force of the religious sanction, as embodied in the form of a judicial oath, must have fluctuated in value at different times, as much as the grand larceny twelvepence of Henry I.'s exclusion; or as the evaluation of certain sorts of evidence, as equivalent to nothing, (supposing the calculation to have been true five centuries ago,) may become a mere incumbrance when charged as a perpetual mortgage on society, in the shape of an attempt to fix beforehand what varies according to circumstances that cannot be foreseen. A government might as well settle by legislation as constant qualities, the extreme points between which wages and prices shall be allowed to oscillate. Queen Elizabeth's purveyor was just as much entitled to establish, for ever, by his book of rates, the *minimum* at which a bushel of wheat, or a yard of broad cloth, should be sold, as her Chief-Justice pretend to have discovered universal propositions concerning the limits of human credit. This is the real incompetency.

But the truth is, that methods of this character are at all times essentially unfit for the purpose which they affect—the administration of substantial justice. They are abdications, or rather forfaulters, (it is the better word,) of the real royalty of rightful tribunals, by a refusal to investigate, in the only way in which it can be thoroughly investigated, the causes that they yet venture to decide. Iron and unbending rules are the last expedients to which baffled Patience and Sagacity fly in their despair; for Synods of Dort and Savoy conferences, giving us subscriptions and articles of faith; and, where to satisfy and convince has been found a hopeless project, seeking to cover up all difficulties and doubts with the peace and silence of an external uniformity. Windham properly described general regulations that were to supersede all individual discrimination and forbearance, as things which nothing but an unavoidable necessity could justify; comparing them to the mill, which, with equal indifference, would grind either the miller or his corn. With Mr Bentham they are a shaving machine, which clears away at once all protuberances, nose as well as beard. The folly is, that in the present instance, we are volunteers. These flaws and jeofails are not nature's doings, but our own. No overruling difficulties call for such a compromise; and the four-pronged instrument, whose every stroke may tear up our flowers and weeds together, is only a sort of lazy tongs, to save ourselves the trouble of weeding with the hand. Meanwhile, no table can be constructed, furnishing even a guess at the extent to which the promises contained in the great body of the law are neutralized, falsified, and repealed, by

the demand for their fulfilment being weighed down by a burden of unnecessary proofs.

Reverse the picture: Suppose the present disqualifications to be repealed, there is nothing to take for granted, but such qualities in the tribunal, and such arrangements in conducting the examination, as are easy to be obtained, and as ought always to exist, in order to confine, within a very limited range indeed, any possible disadvantages that the alteration might introduce. Life admits no greater certainty than is to be derived from the just exercise of our faculties. With this security, we shall be as safe as God has meant and enabled us to be. If, after comparing the sanctions for truth, with the temptations to falsehood, arising from character and circumstances, of any given witness, a tribunal may still err, it will at least have the satisfaction of having taken the only reasonable means of avoiding error. It must still be better to have trusted to the known, than to the unknown; and, according to the prayer of Ajax, to perish in daylight than in the dark. In thus throwing our half-opened window entirely up, and letting in the sun, nothing is assumed beyond this, that it is with causes as with men—and that the dishonest only can be losers by being searched. Nothing is assumed for the witness, except that, as a human being, he is governed by the principles which comprise all our knowledge of the springs of our common nature. Nothing is assumed of the court, except that it is competent to the discharge of its duties. Nothing of the mode of procedure, except that it takes the natural cautions for extracting truth. Panic terrors may mystify any question; but considering the task which all tribunals that are engaged in the administration of justice have already to perform, the dangers apprehended from the additional sagacity that would be required of a jury, or from the additional discretion that must be confided to a judge, are such as might be more than guarded against, by a few precautionary arrangements. If the camel can indeed carry its present burden, this will not be the supplemental straw which is destined to break its back. In the first place, witnesses of this description would not be brought forward to load or taint a cause which supplied other witnesses of a higher order; therefore there is little fear of any embarrassment, from a great addition to their numbers. Next, were a witness branded with such suspicions, the only, or principal witness in the cause, there can be as little risk that a jury would extend to him a greater degree of credit than they found at last they could not possibly withhold. The exaggerated alarms entertained at this sort of evidence, are the strongest guarantee against our being misled by it. In this way, the rules of exclusion turned into

rules of suspicion, would become most valuable guides: As such, Cobbett ought to have the drawing up a register of them, of which the Sheriff should be bound to leave a copy with every freeholder on his list. Should there remain complicated and ambiguous cases, which these observations may not reach, reserve them for some other tribunal, or raise the constitution of this, till it be made capable of scrutinizing and comprehending whatever considerations are necessary to justice. To beat down the evidence to the standard capacity of the jury, instead of raising the jury to the nature of the evidence, is cutting the statue to fit the niche, and not the niche to hold the statue.

In respect of the aid which it is one of the most important parts of the office of a judge to give a jury, both by his opinion and control, there is no reason, either in the amount or nature of the evidence that would flow in upon the removal of the present absolute incompetencies, to suppose that the same salutary discretion which the court has always exercised, in its analysis of the part of the evidence hitherto admitted, would not be sufficient for the purposes of justice, when extended over the whole. There can be no objection, however, to investing the judge with a farther latitude over this new-imported portion. Rossi's apprehension of the effect of such proofs as would be delusive oftener than directory, or, as were too feeble to make up for the trouble of taking them, would be anticipated by this power of rejection, no longer a compulsory blindness, but a judicial act, casting out of the crucible the rubbish that supplied an ore too scanty or too base. There are checks in abundance to prevent the possibility that such a power could be abused, whilst powers much more delicate and dangerous must be left with every court. The suspicion that denies a judge the degree of credit implied in the execution of this additional authority, supposes him alike incapable and unworthy of his office. Undue suspicion is as foolish as undue confidence. Entire confidence,—and no rules are necessary. Entire suspicion, and they are without end. Try what we may, no novelty can be so unreasonable as our present course; for greater political contradiction can scarcely be imagined, than intrusting a court (however constituted) with the adjudication of causes, and then declaring the necessity of starving, into a manageable shape, the evidence which these causes properly supply.

The exceptions which, under the imperious force of some pressing necessity, have cut deep into these exclusionary rules, have naturally gone by far the deepest into that of interest; much the most important of them all. The present confusion between the rule and the exceptions is often so inextricable,

that, from the hustling and the crossing of principles, and even cases, the very embarrassment of administering the system must of itself in time bring about a change. When a watch fairly stops, even the despiser of lost minutes and unpunctual appointments remembers there are such things as watchmakers. There are signs, however, abroad, that the change will be accelerated by, and established upon, sounder and broader principles. The policy which gradually introduced exception after exception, seems, now that it has in so many instances verified the safety of the experiment, about to dethrone the rule. Lord Mansfield pointed out long ago the proper balance, had we in our turn but properly watched the scales; and, instead of the summary talent necessary to destroy evidence, condescended to learn to weigh it. Disability from interest, he said, proceeded from the presumption of bias, and from the public inconvenience arising from partial testimony. But these presumptions might be answered, by showing greater inconvenience from abiding by the rule. These contrary presumptions were, first, cases of absolute necessity; secondly, cases of presumed or argumentative necessity, which were nothing but a great degree of expediency.

Now, if there were no means by which, out of this *nettle*—partial testimony, we might secure the probability of plucking the *flower*—truth, it never could be expedient to receive it; and, in a great proportion of the cases which still remain under the millstone of exclusion, it would puzzle a whole family of sphinxes to show, that an equal argumentative necessity in behalf of justice, and equal means of decompounding out the truth, do not, in point of fact, exist. There is a common sense, however, and a good feeling stirring, which give one at last, (and we thank God for it,) a reasonable hope of surviving both legal and political exclusions.

In regard to the parties themselves; Courts of Conscience, where the condition in life of the litigants, and the want of experience and authority in the court, might have seemed insufficient securities, have long and safely led the way in admitting their general examination. The County Court Bill is about to invest its ancient domestic jurisdiction with the same authority in all cases under L.10. We look forward with the utmost anxiety, and yet confidence, to this great decisive measure, which will give the public an ample opportunity of observing the success of the experiment in both directions. Hitherto, there seems no cause to doubt the conclusion, to which the sort of reasoning that general principles afford would bring us, respecting the value of the testimony to be thus obtained. We are not startled by the remarkable concurrence of reproach under which it la-

hours. The deficiency in its result under all former management, is amply accounted for by the shape in which it has been taken; this is the real warning which the failure of their experiments should convey. Pothier complained that, during a practice of forty years, he had never known but twice a party upon oath retract from the statement hazarded in his pleadings. The French lawyers, in like manner, allow at present that, from the method in which the examination *sur les faits et les articles* is conducted, a party with any cleverness may leave his adversary no advantage from it but the expense. Lord Kames speaks of it as nearly useless and abandoned under the Scotch law; where, before it is entered on, every possible security is taken against the possibility of contradiction, should perjury be committed under it. Heineccius treats it as a dead letter with them,* and wrote a treatise expressly, *de lubricitate jusjurandi suppletorii.* When Sir James Scarlett says, that he has only twice, in all his experience, found it worth his while to read upon an issue the answer to the bill, the distinction is pretty evident between the answer so got at, and that which he would

* Elementa, 245. Suppletorium jusjurandum, si verum fateri velimus, in jure nostro, nullum reperit præsidium. Comparative legislation, properly conducted, would be little less instructive than comparative anatomy. But it can only lead us to err by rule, as often as the facts are carelessly observed, or when no due analogy exists between the subjects which are compared. Mr Bentham (to instance a case in itself of only secondary importance, but, if correct, valuable as a symptom) mentions twice that *alibis* are a peculiar feature of the accelerated and final nature of an English trial. Whereas, Le Graverende, 2. v. 211, speaks of them as being ‘ une ressource si souvent employée par de grands coupables.’ Mr Peel, not long ago, astonished the House of Commons by a more violent example of the happy state of intellectual digestion, which can apply and assimilate any fact, however remote, that Providence may throw up on the sea-side of one's understanding. Crimes of violence have been lately more frequent among our agricultural than our manufacturing population. This, it appears, is not a mere Anglicism; for, on comparing the French returns, murder stands proportionally high as an agricultural offence in their most agricultural department, Corsica, to wit. Here is indeed a power of philosophy that cannot be kept out on any future vacancy from the Royal Society's chair. Mr Jacob must go to Corsica to take their average forthwith of corn and crime. Without reading Boswell's or Benson's Tour, surely its fierce Corcyra condition is too notorious for any one to found on it a theory respecting agricultural man, who is not prepared to illustrate man in his hunter-state, by some fortunate coincidence between a young Iroquois chief, and a young lord at Melton.

have himself extracted from the *vivâ voce* cross-examination of the same defendant at an Assizes. As to affidavits, it is admitted that they are recipes for perjury, made easy to the most timid nerves and meanest capacity. When the coast is strewed with these shipwrecks on the same rock, should we persist in copying so approved a method of frustration into our projected amendments of the law, we shall probably be only preparing disappointment to the friends of justice, and amusement for Lord Eldon. If there is a point that may be considered indisputable as a general maxim, it is the superiority of *vivâ voce* examination over prepared and written questions. No contrary inference surely can be intended to be drawn, as we have heard suggested, from the experience before Commissioners of Bankrupts. Should such examination of the bankrupt be thought not as satisfactory as could be wished, something perhaps may be allowed to the insufficiency of an occasional tribunal, especially if the case be, (as Mr Cooper states in his French Letters,) that commercial causes are declared by all foreign merchants to be worse administered in the metropolis of the commercial world than in any trading town in Europe. In reference to the observation, that a clever rogue is found, when orally examined as a bankrupt, to get an advantage over his more simple, but more honest, comrade, it is in vain to think of depriving strength, either of mind or body, of their respective advantages for escape; but it is paying the court a bad compliment, to believe that the advantage would not be still greater, were the examinations carried on in an examiner's office; particularly since there can be, in this respect, no difference between the examination of a party and of a witness; and any accidental imperfection that may deduct from the deficiency of *vivâ voce* examination in the one case, must apply to the other precisely with equal force. There can, of course, be no objection to both parties agreeing to accept the evidence, each of the other, in a written form: Also, when oral examination was insisted on, by either party, limits might be put upon any apprehended abuse or vexation accompanying the obligatory attendance, should the party turn out to have been subpœnaed unnecessarily, by leaving in such a case a power of liberal costs at the discretion of the court.

Whatever else may be in shade, great legal reforms are evidently coming on. Could our voice be heard, we would beseech the two extreme parties to approach this vast subject with a spirit suitable to its importance. The old Italian painters used to shrive themselves, and take the sacrament, before setting to work on a great picture. It can scarcely be a superstition to demand of our less solemn and enthusiastic times, from those who offer

themselves as repairers and sustainers of the ark that contains the tables of our laws, zeal with caution—charity, and also knowledge—a love of our country sufficiently deep to speak with respect of her institutions, and yet sufficiently manly and enlightened to admit her errors. On one side it may not be too much to learn, that ignorance of the views of other men is not indispensable for the correctness of one's own; and that it is possible for opinions that are not insolently expressed, to be yet honestly, boldly, and successfully maintained. They should extend to rivals—from whose bare and rugged channels they are diverting the stream of science in a new direction—some indulgence, along with the contemptuous requisition, '*Quæ Juvenes didicere, senes perdenda fateri.*'

If the lion is to lie down with the kid, collaborateurs must be advertised for in more gracious terms than the following: 'In 'what corner of the inns of court, these receptacles of sham learn-'ing, are we to find, in the conveyancer and draughtsman, whose 'business it is to make two words grow where one has grown 'before, in the briefless advocate or in the superannuated judge, 'the jurist who has surveyed the field in all its bearings with 'sufficient care, and an eye directed solely to the ends of jus-'tice?' On the other hand, let the lawyers strive 'to put off the 'old man,' and (without minding the threats to reduce Westminster Hall to a heap of ruins, as some rookery that wants pulling down) let them join in Lord Mansfield's cry, 'We do 'not sit here to take our rules from Siderfin and Keble.' They will not gain favour for themselves or for their learning, by attempting to represent as *revolutionary* any measures calmly proposed to Parliament for making the law cheap, sure, and speedy; nor is it decent to be, as it were, demanding compensation even for one's knowledge, when the improvements of a more comprehensive system seem likely to supersede it. Shakspeare's quibbles may inform us that one race of sellers of *points* have quietly yielded to the competition of a more useful, if not more ingenious manufacture. Further, it becomes no understanding (least of all that which we know to be so characteristically direct, that when it is by accident driven to swallow a crooked argument, it seems compelled by some inward mechanism to remould and reproduce it straight) to withdraw, upon a grave discussion, the public mind from the real question—the merit of the propositions—by interposing arguments which would have been ridiculous any time these hundred years, in any other science. The statement, that the country has prospered under the old system, is an answer only to those, if any, who have pretended that the diseases of our law had eaten out the whole energies of our na-

tional strength; not to men who only protest against the folly of trying the digestion of a great country, by making it swallow quantities of nonsense, because it can do so without being much the worse for it. It is no less irrelevant to say, that the people are satisfied with the laws as they at present stand. It is in the nature of such a subject, that the people can have very imperfect means of forming an opinion one way or the other. At all events, it is an imposition on their ignorance, and an abuse of their confidence, if any possible improvement is discouraged, because it is found that it can be delayed with impunity. Instead of voting a reward to Jenner, Parliament ought on this view to have passed a vote of censure, grounded upon the vulgar prejudices which are not yet quite extinct, and treated him as a pestilent fellow, who sought to dissatisfy the good people of England with their constitutional old small-pox. Our ancestors had a proverbial story respecting Tenterden Steeple and Goodwin Sands, by which they mocked those holiday observers, who connected as cause and effect things that were in their own nature mere coincidences. It will be only a proper compliment to the present Chief Justice of the King's Bench, to make it again a popular retort on all similar sallies of legal logic.

The law is the common atmosphere we must all breathe. It is not merely at the moment we are engaged as parties in a lawsuit that it ought to be to every man an object of extreme interest. We have the same concern, every one of us, in its improvement, that men in health have in every conquest over suffering achieved by surgery or medicine. The sooner we get our law established on reasonable foundations, the better; then, and not before, may those who hate changes expect to enjoy a little quiet.

In taking leave of Mr Bentham, we must repeat our regrets that eccentricities and impracticableness, to a point at least commensurate with his genius, put such a fatal drag on the progress of his philosophical opinions, and thrust him out of the rank where that genius ought to place him,—among the forwarders and sharers of our most immediate changes. It is in the main unfortunately his own fault, that he should be necessitated to complain, 'the individual must be out of the way before the 'time can come for his words to pass for whatever may be their 'value; and the generation remains to be formed, whose thanks 'will not be wanting to the author's ashes.' His writings seem to exhibit a contest between Momus and Minerva, which of them should have the greatest share in fitting up this singular understanding. They are a picture, where Ostade's alehouse boors are sitting, with pot and pipe, among Poussin's shepherds,

or at the foot of Raphael's Madonna—and sketched out on a plan which would have made the plot and catastrophe of Romeo and Juliet partly turn on the adventures of Punch and Judy. The frequent absences of a plain work-a-day sense among all his great endowments, remind us of Augustus, emperor of the world, sitting in his palace, without a shirt to his back, or a glass window.

Why will he change backwards and forwards from the digester of Count Rumford to the perturbed cauldron of Macbeth? and present, to the white up-turned eyes of mortals, at one moment, the spectacle of a party-coloured kite sent up out of St Luke's into the empyrean—the next, the Patmos eagle, *maestro di color chi sanno?* For he has a mind full of searching and original invention, and a patience that never tires. It is a fountain which, in its wildest deviations, never risks being lost in barren sands, or forced back by the counter current of antagonist opinions: But, like the vast rivers of a great continent, is strong enough, in the body of waters it pours forth, to preserve their freshness and identity long after weaker streams would have mingled and disappeared in the open sea. From the unreasonableness with which the law of evidence had been constructed, Mr Bentham's constant maxim—that of looking for his object in the direct contrary direction from that which the turnpike finger-post may point—has for once led him right: and, when right at all, it is the nature of such a character to be right thoroughly and greatly. His present enterprise has been indeed rather a voyage than a journey: like Columbus, relying on the strength of his own philosophical conjectures, and enlightened by the errors of those who had preceded him, he has dashed boldly across an unknown ocean. Like him, too, with a comprehensiveness and reach of thought, able to circumnavigate so vast a subject, he has united a minuteness of detail, and heaving of the lead at every moment, under which the reader would drop, unless he saw before him the discovery of a new world. Speaking of jurisprudence generally, there are few greater instances of the advance which a new intellectual world has made upon the old (a corresponding hint to what Europe has just received from Don Pedro's preference of the Brazils to Portugal) than the successful parallel, or rather contrast, that Mr Dumont has lately instituted between Montesquieu and Bentham. It is one of the most striking testimonies to the progress of juster reasoning on the science of legislation; for no writings can be mentioned which have done so much for the human race, in their generation, as the Esprit des Loix, and from which, at the same time, a reader of the present day can bring away so few sound available ideas. In making this

contrast, it never should, and never will be forgotten, that we owe chiefly to Montesquieu himself the present comparative uselessness of his justly celebrated work.

It is, we well know, an ungracious task to prophesy for mankind—our planet takes such a strange pleasure in waylaying its fortune-tellers, and in disappointing the most reasonable expectations. But there is no standard whereby one can judge of the understandings and consciences of other men, except by reference to one's own. Our prophecy would be, that among Mr Bentham's grains of mustard seed there are those which some day will be trees. As we have spoken plainly our real sentiments regarding the flaws, which strike across this great work a vein so deep and coarse that there is scarce a page together which we have read with unmixed pleasure; we are bound to state, with equal sincerity, that we should have thought it impossible for any book upon a subject, with which we had fancied ourselves well acquainted, and with which, in our idiomatic form of it at least, we had been long conversant, to have given us so many new ideas, and to have so completely changed our old ones.

ART. IX.—*A Sermon preached in the Cathedral Church of St Paul, on Thursday, May 8th,* 1828, *at the Festival of the Sons of the Clergy.* By the Rev. PHILIP NICHOLAS SHUTTLEWORTH, D. D. Warden of New College, Oxford. London, Rivington, 1828.

ALTHOUGH there is a good deal in this discourse with which it is impossible for us to agree, yet the tone of moderation which the reverend author preserves through the greater portion of his remarks, must be mentioned as extremely praiseworthy, and as somewhat rare in such controversies. It must be admitted, too, that the subject which he has undertaken to discuss, is one fairly belonging to the province of the religious instructor, and which he may handle without incurring the smallest blame for narrowness or illiberality—the superiority of religious to temporal knowledge, and the risks we run from too exclusive an attention to the latter. While others are instructing the community in literature and science, it is, beyond all doubt, the duty of the clergy to give the information which is necessary for its religious improvement; and, provided there be no misrepresentations used, they may fairly urge the greater importance of that kind of knowledge, and take the requisite pains to prevent other pursuits from interfering with the attainment of it. A report was

prevalent that Dr Shuttleworth had stood forth to sound the alarm against educating the people in those branches of science which Laplace declared them fitted to learn, and from which Lord Liverpool indignantly deprecated their being excluded. The sermon, in which this warning was said to be proclaimed, is now before us; and it is with great pleasure that we testify that it is any thing rather than a confirmation of the rumour. Some few matters are perhaps not stated with perfect candour; others are represented a little inaccurately; but there is nothing like an attempt to raise an outcry of a religious kind, or to point the thunders of the church against the secular instructors of the people. On the contrary, it seems substantially intended to reconcile the pursuits recommended by the preacher with a large allowance of scientific improvement.

After observing, that the extraordinary pains taken to diffuse knowledge in the present day, though calculated to excite feelings of 'pride and self-congratulation,' are yet fitted, at the same time, to make us 'ask ourselves, where all this will end?' he proceeds to show in what consist the dangers of a disproportionate attention to the pursuits of science. And it is a singular thing, that he assumes the friends of popular education to exclude from their plans every branch of knowledge, except mathematical and physical science. The following passage contains a great deal of important truth respecting the value of intellectual improvement, which the author had, in the sentence immediately preceding, distinctly stated, that it was not his wish to depreciate, but only to show the necessity of connecting with religion. But it closes with a most inaccurate suggestion, which, being further enforced in the next passage, requires some animadversion.

'Were we to estimate the whole of the advantages resulting to a nation from the pursuits of science and general literature, solely by what may in a familiar acceptation of the term be considered their *value*, that is to say, by their immediate tendency to promote such discoveries as may be exclusively useful for the acquisition of wealth, or the accommodation of our social existence, we should, I acknowledge, be taking a much too contracted view of the subject, and greatly undervaluing the many momentous blessings which we derive from them. The laws and principles of mechanism, the physical combinations and properties of the elements, and the profound truths derivable from the abstract calculation of figures or of numbers, may be made familiar to thousands; yet the inventive faculty, which derives from such knowledge the germ of new and valuable discoveries, which are to form part of the intellectual wealth of future ages, is, by the sage economy of Providence, dispensed but to a few. It, however, by no means follows, that those persons whose talents do not qualify them to become benefactors to mankind by their inventions, are not, therefore, elevated in the scale of sentient be-

ings by the mere possession of scientific attainments. Knowledge (if by that term we mean to imply nothing more than the means for the acquisition of a specific end) may, it is true, be considered in one point of view as unprofitable, where that end is not attained, and where it terminates in barren contemplation: but, on the other hand, (when we recollect that its tendency is to develope the energies, and to give us a taste for the exquisite pleasures of our spiritual nature, and consequently to make us more indifferent to the gross animal enjoyments which we participate in common with the brutes,) it may, with no less confidence, be pronounced to be in itself intrinsically good, though, like all other gifts of Providence, liable to be perverted by abuse. Such, accordingly, is the judgment expressed respecting it by the Word of Revelation. "Behold," says the Almighty, with reference to the fall of our first parents, and whilst pronouncing that fearful judicial sentence which was to operate so fatally upon their descendants, "behold, man is become *like one of us* to know good from evil:" from which words we must necessarily, I think, derive the conclusion, that, though knowledge may be *accidentally* dangerous from its inappositeness to the party possessing it, and sinful, where its acquisition implies the breach of a command or perversity of disposition, still its *abstract* and *original* tendency is to add to the dignity and perfection of the being of whom it is an attribute. And in this point of view will a Christian, and especially a Protestant Christian, who knows how much of the purity of his religious belief may be attributed to the dissemination of general literature, be disposed to consider it: not wishing for a single moment to limit the high gratifications of scientific research to any more favoured or privileged classes of the community, or to check, in any one instance, the progress of legitimate inquiry, but only anxious that the most easily perverted of all the transcendent gifts of the Almighty be not transformed from a blessing into a curse; only anxious, that whilst investigating the mighty wonders of the physical universe, they forget not that great Being who called that universe into existence; and that they mistake not the impatient eagerness of newly excited curiosity, which loves to depreciate every thing established, and to ponder over its own speculations upon what it conceives to be original principles, rather than to submit to the wisdom inculcated by experience, for that comprehensive grasp of intellect, whose real characteristic is sobriety and caution.'

The risk which students of natural science are here supposed to run, of forgetting the great author of nature, appears wholly chimerical. But the author immediately afterwards states it in a way much more incorrect, and, as we take it, wholly contrary to the truth of the case. 'It is an acknowledged, and a no less 'painful than perplexing fact,' he says, 'that even well-edu'cated persons, whose studies have particularly led them to the 'investigation of the beautiful and astounding mechanism of 'the universe, and of the economy of the animal world, have 'often been disposed to scepticism with regard to the existence 'and providence of a God.' It is Dr Shuttleworth's general

practice to express himself with many qualifications, and to avoid all broad assertions; but this passage, though worded cautiously, plainly means, that those who study natural philosophy are apt to doubt the existence of the Deity; than which, we will venture to repeat, any thing more unfounded in fact could not have been stated. It might almost suffice, one would think, to name the names of Newton and of Boyle, or of Barrow and Bacon, to vindicate from this reproach the studies to which they were devoted. It is among metaphysicians, surely, rather than natural philosophers, that we shall find the greatest number of sceptics; although the philosophy of mind has any thing rather than a natural tendency to produce unbelief. But it may be taught without a constant reference to the power and wisdom of the Creator; whereas, we doubt if a single work, professing to teach the elements of physical science, especially if framed for popular use, can be found, in which the proofs of design manifest in the structure of the material world, are not stated with more or less earnestness and particularity.

However, Dr Shuttleworth having once laid down his assumption, goes on to argue on it as clear and admitted. 'Many 'causes,' he says, 'might be alleged to account for this mortifying 'fact;' meaning the groundless and ridiculous fancy, that natural philosophy makes men atheists. Then, after an attempt at explaining why the thing should be what it certainly is not, he adds,—'Be the real explanation of this circumstance what it 'may, *the fact* is unfortunately certain, that a mind may not 'only possibly, but probably, be imbued with an accurate and 'extensive knowledge of that vast aggregate of wonders, the 'material universe, yet fail to draw from it that great moral 'conclusion, which it would seem, above all others, most calcu-'lated to announce;' meaning, we suppose, the being and attributes of the Deity. And then he goes on to infer, that if men profoundly versed in natural science, find it so difficult 'to lend 'their minds at the same time to the eager pursuit of physics, and 'the awful impressions of religion,' the danger must be still greater with persons superficially informed. It would be throwing labour away, to answer arguments resting on the assumption of what is notoriously most groundless. If Dr Shuttleworth only means to state the danger of a too eager and exclusive study of natural knowledge relaxing men's religious feelings, he describes a risk common to all occupations of a worldly nature, whether speculative or active; but far less imminent in the case of physical science, than in that of almost any other pursuit, because its tendency is perpetually to lift the mind towards the contemplation of the wisdom displayed in the structure of the uni-

verse. If, however, there should be found any tendency in such studies to produce the effect dreaded by our author, the remedy is in the learning and genius of those whose labours are devoted to spiritual subjects. They may render the topics to which they are devoted, attractive and awakening; they may fit them for the wise as well as for the uninformed; they may combine science with eloquence in handling the weighty matters intrusted to them; and, above all, they may overcome all repugnance to hear their exhortations and receive their lessons, by candidly allowing its just value to that sound learning, which, albeit of a secular kind, is found not only compatible with devotional feelings, but eminently calculated to keep them alive, by engrafting them upon the imperishable stock of reason.

Dr Shuttleworth's doubts (for they hardly assume a more positive form) of the expediency or safety of the extensive efforts now making to diffuse scientific information, class themselves under three heads;—the risk of making the learners superficially acquainted with important subjects—the exclusion of moral science from popular education—and the neglect of religious instruction. We might perhaps more correctly say, that these are the points discussed by a respectable class of persons to whom Dr Shuttleworth belongs, and who, without any enmity to the cause of education, have certain alarms upon the success of a new and vast experiment, as they deem it, and are sincerely desirous to have so important a subject considered in all its bearings. Dr Shuttleworth deals with it in such passages as the following, which we extract, both in justice to him and those who think with him, and also to show that they are sceptics, rather than dogmatists, upon the question:—

'The fact is, that there are disadvantages and inconveniences unavoidably accompanying the attempt to convey the more abstruse discoveries of science to persons whose otherwise laborious occupations must necessarily render such knowledge to a great degree superficial, which attach but slightly, if at all, to the professedly literary classes. It may seem invidious and paradoxical to say, that the road to science may be made too easy; but such is undoubtedly the fact. It will be acknowledged by all who have reflected upon this important subject, that it is not so much the ultimate physical truths elicited by the process of experimental investigation, as the disciplining of the understanding, by the exercise which it acquires in the progress of the research, which constitutes the true value of a scientific education. And, accordingly, it is to this habitual exercise of the intuitive faculties that we must attribute that practical acuteness in men of real science, which enables them, with a seemingly instinctive readiness of perception, to elicit from each experiment upon the various operations of nature, its exact and legitimate influence. The mind which thus proceeds step by step from

discovery to discovery, combating with difficulties as it advances, and learning, by mortifying experience, that what the vulgar consider as demonstrable knowledge, is often but a plausible, or at the best a probable surmise, will generally be too well aware of the infinitude of the subject-matter of science to be very dogmatical, even with regard to those opinions which it conceives to be most firmly established. But he, who, by the aid of popular compendiums and desultory instruction, arrives at the possession of the ultimate discoveries of learned men, without having himself toiled through the painful process of gradual investigation, will not unfrequently find such an acquisition more than counterbalanced by the moral, and even intellectual, disadvantages attending knowledge so ill assimilated. Unaware from that painful experience, resulting from frequent disappointment, how many are the aspects of plausible falsehood and error; how many lurking fallacies may be sheltered under an attractive and apparently simple theory; and consequently how natural it is for an eager and inexperienced mind to overrate its strength; such a person is too frequently more impatient in the pursuit of discovery than the circumstances of man's nature would warrant. To a mind thus excited, the first bursting gleam of knowledge appears nearly equivalent with its final consummation: and accordingly, whilst under the influence of this impression, every existing institution, and almost every established opinion, appears as a remnant of antiquated prejudice, which the human reason, shaking itself from its slumbers, must be eager to disavow; the countervailing caution, on the other hand, which suggests how rarely the result of any great change has come up to the sanguine expectations of its first movers, is contemned as cowardly and dishonest.

'In addition to the desultoriness and incompleteness of the actual knowledge conveyed, a want also of adaptation to the peculiar habits and intellectual wants of the parties whom it is intended to instruct, must, I think, be admitted to form one of the objections to the benevolent attempts which have been recently made to familiarize the labouring classes with the abstruser departments of philosophy. That the main faculties of their minds will often be rather unsettled than strengthened, by these ostentatious acquirements, may, without any breach of charity, be surmised. But this is not all. From an idea which our carnal notions of policy and expediency too readily dispose us to take up, that the word science is to be applied almost exclusively to the investigation of the phenomena of the material world, the enumeration of the departments of knowledge requisite for the supposed adequate instruction of individuals, as regulated by public opinion, has, in one respect at least, become fearfully deficient. And hence, whilst every study which has reference to our mere bodily wants, is pursued with the most unremitting attention, that infinitely more important, and, as all who have made themselves acquainted with the labyrinths and perversity of the human heart will readily acknowledge, that far more difficult branch of wisdom, the science of morals, is apt to be treated with neglect, as what will come spontaneously; or with contempt, as what may be neglected with impunity.

'Not so, however, though our equally laborious, though despised, forefathers: and not so thought the wisest part of even heathen antiquity.

Darkened as were the minds of the latter to all which is truly sublime in religion and morals, even *they* considered the great questions which have reference to man's duty as a moral and responsible agent, as affording the noblest topics of conversation which could exercise philosophers in their retirement. But as society advances in fancied refinement, there is a worldliness and selfishness which creeps into and mixes itself, as with every thing else, so with the most vigorous exertions of the intellect. Knowledge, in a luxurious and ambitious age, soon begins to be estimated according to our hastily formed notions of its usefulness; and that usefulness is again itself measured by its reference to our bodily wants, conveniences, and pleasures: and thus an undue preponderance is given to the interests of our carnal nature over our spiritual, by those very studies and pursuits which appear, at first sight, particularly adapted for the elevation of the latter.'

Upon each of the three topics alluded to, rather than discussed, in these passages, we must be allowed to offer a very few remarks, principally to set the objectors, or doubters, right, upon the matter of fact.

First, as to the mischief of superficial knowledge: This assumes the form sometimes of an apprehension that the community will only know a little of what ought to be known profoundly; sometimes of a dread that ill effects will arise from such imperfect knowledge. To us, we confess, both fears seem equally unsubstantial. That it would be far better to know the whole than a part; to learn science as philosophers learn it, than as the bulk of mankind must ever, from mere want of time, be content to learn it, even in the utmost state of refinement to which they can be imagined to reach, is a proposition too obvious to require proof. But it by no means follows that something may not be known, and usefully known, because much more remains unknown to us. They who cry out against the superficial learning which alone the people are likely to imbibe, forget that all of us are necessarily superficial upon by far the greatest portion of our acquirements. It is well if, among the common run of well-educated persons, each knows some one branch of some one science, or department of literature, thoroughly, and has with the others a slight and general acquaintance. The greater probability is, that very few of even these classes know any one subject deeply and completely. Nay, among professed philosophers, how rare is it to find one who is perfectly conversant with all that is to be learned, on any one branch of knowledge? But the comparison is to be made between the bulk of the community, the middle and working classes, who have their time occupied in gaining their bread, and the generality of those whose time, both in youth and in after life, is much at their command, and who form the body of what are called well-educated persons.

It is quite certain, that the former may learn enough at their leisure hours, by reading and by attending lectures, to make it absurd for the latter to despise their acquirements as superficial. Compared with the knowledge of professed cultivators of science, both classes will always know superficially; but the one are just as likely to understand accurately, and recollect distinctly, what they learn, as the other. Then, as to the hackneyed topic of 'a little learning,' so often sung and said to be dangerous—there is a greater danger surely in learning nothing at all—a danger, too, that is the longer the worse; whereas the other risk is sure to lessen, as hardly any person ever made one acquisition in knowledge without being led on to make another. We need not surely stop to refute the idle notion so often exposed, that slight knowledge makes men conceited and ungovernable; to which figurative illustrations are added, about people staggering in the twilight, fully as inapplicable to the argument as Pope's singularly unhappy one about drinking, though not perhaps so contrary to the fact, as that lamentable piece of false logic and false metaphor.* The mistake in all these cases, is, to charge knowledge with the sins of ignorance. The twilight is inconvenient, not because it is half light, but because it is half dark; the slight knowledge does harm only because it is by the supposition confined to a few; for if it were general, it would cease to be a distinction, and to cause any uneasy feeling in its possessor, except an impatience of ignorance, and a desire to remove it by learning more.

The supposition that scientific education must confine the ideas of the people to physical science, and fix their thoughts upon objects of sense, is, if possible, still more groundless. It is not true, in point of fact, that those who are anxiously devoting themselves to the education of the community, are only bent upon teaching physics. Dr Shuttleworth appears most unaccountably to suppose, that science means natural philosophy only. We will venture to say, that if he attends to any of the proceedings either of societies or of individuals engaged in this great and good work, he will find them as much occupied in preparing for the diffusion of moral as of physical science. It is impossible to do all at once; and, undoubtedly, if the principles of morals, and of political learning, had been first of all expounded to the working classes, there would have been (beside other obvious inconveniences) the risk of exciting prejudice and clamour

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* 'For shallow draughts intoxicate the brain,
'But *drinking deeply sobers us again.*'

among the enemies of education. Dr Shuttleworth, and those who think as he does, are far too candid and too well-informed to raise such cavils; but others would not have been slow to cry out, and the educators would have been charged (perhaps not unjustly) with beginning at the wrong end. However, we entirely agree with our author, that a system of instruction is most imperfect into which the philosophy of morals does not enter as an important branch.

The last objection, or doubt, is, that religious knowledge may be kept too much in the back ground, while secular learning assumes an exclusive share of popular attention. We have, in part, answered this already; but it is connected with matters of such extreme importance, as to require a little further discussion; and we cannot proceed a step, without perceiving how much the alarm is founded on a mistatement of facts; a misapprehension of some, and an overlooking of others.

It is not true—it is not any thing like the truth—that the present age is distinguished for its efforts in promoting secular, to the neglect of religious improvement. There never was a period in the history of the church, when a greater, we might say, when so great a number of persons took a lively interest in disseminating the knowledge of practical divinity. Witness the unprecedented exertions made for the diffusion of the Scriptures, and of religious tracts—witness the number of associations for promoting religious knowledge—witness the Sunday schools, in connexion with the Established Church, every where planted, and at which 550,000 children are taught, beside all those in connexion with various classes of dissenters, perhaps equally numerous. Indeed, we might take into this account the day-schools taught on the national plan, because the doctrines of the Church are there inculcated, and her liturgy used. But as something beside religion is taught in the schools, of whatever denomination, and in Sunday as well as day-schools, let us look only to the many societies whose objects are confined to the diffusion of religious knowledge, and the large funds at their disposal, devoted to this great purpose; and let us reflect, that all these efforts are confined to religious instruction exclusively. Surely, it can no more be contended, that those who labour to propagate the love of science, and to place the means of learning it within the reach of the community at large, are obstructing the progress of religious knowledge, because they confine their exertions to the worldly sciences, than it can with justice be charged against religious associations, or the individuals who co-operate with them, that they are keeping men ignorant of all things save theology, because they only disseminate the Bible and religious books.

Each must needs confine their exertions to one walk, otherwise neither could work to a profit. Nor ought we to forget, in this question, the important provision which the law of the land has made for the promotion of religious instruction, by a body of men set apart for that special purpose, and the almost equally numerous body of sectarian teachers, whose lives are alike devoted to inculcating the same matters. These, like the associations formed in aid of their labours, teach religion, and nothing else.

It never was objected to them, that they kept the community ignorant of other branches of knowledge. As little can it be objected to those who supply instruction in these other branches, that they keep the people ignorant of religion. The existence of a class of religious teachers, and of so many societies, who confine their exertions to religion exclusively, renders it wholly unnecessary for those whose exertions are pointed to the diffusion of other kinds of learning, to bestow any part of their attention upon religious education. It never can be objected to the latter class of persons, that they adopt the plan best fitted to unite the members of all religious communities in the important work of furthering sound learning of a secular description; and it is equally absurd to dread, that the spread of such learning may prove inimical to the interests of religion. Such fears cannot be seriously entertained by any, who really feel convinced that their belief is well-grounded in reason.

We have said, that, generally speaking, Dr Shuttleworth's sermon is conceived in a spirit of praiseworthy liberality and fairness; and with a very few exceptions, the lovers of freedom and tolerance have no reason to complain of his remarks. There is one passage, however, of which we cannot approve. We have no objection to the preacher holding up, in strong colours, the danger of 'forgetting God; especially when his accumulated 'blessings make such forgetfulness and ingratitude the most 'portentous; when our minds are elated with seeming prosperi'ty, and puffed out with the self-confidence of imagined wisdom.' It is his duty to remind his hearers of the inferiority of all other subjects to the concerns of religion; and in such passages as the following, he performs that duty eloquently, and, at the same time, liberally and wisely, except that he confines science to one branch.

'If, then, such be the prevailing danger of the present day, and such I conceive it to be, let the Ministers of the everlasting Gospel be proportionably energetic on their part in the performance of their solemn and indispensable duty; not, from an unworthy timidity, discouraging or depreciating the progress of intellectual research, (for next to the purifying

influence of religious truth, we cannot but rank the high and tranquillizing enjoyments of physical science among the foremost gifts of Providence,) but pointing out, with sober and benevolent caution, the seductions and deceitfulness which beset even this most attractive path in life's journey. Let them go forth, like Paul amid the schools of Athenian philosophy, and silence for a moment the din of worldly speculation, by the single, awakening, and humiliating doctrine of Christ crucified, of the necessity of divine sanctification, of repentance, of righteousness, and of judgment to come. Let them remind those who imagine that the investigation of the material creation is the most appropriate occupation of their intellect, that, after all, such studies, however attractive, partake of the perishable character of that world whose phenomena they investigate, and like it shall pass away: that they are innocent or praiseworthy only in proportion as they are made compatible with, and secondary in our estimation to, the paramount interests of our spiritual nature; and that, accordingly, there is a point beyond which they can scarcely be pursued with perfect safety: that point, I mean, when from a too continued and exclusive attention to corporeal objects, there is always a danger, even to the best disposed minds, lest their moral susceptibilities should become imperceptibly weakened, and their hearts gradually closed against the solemn impressions of religious conviction.'

Nor do we object to his inference, from the state of the times, in favour of the having 'an established order of men, detached from the turmoil of worldly concerns, and consecrated by the most sacred obligations to the preaching of that spiritual holiness, which the eagerness of temporal speculations and interests has so strong a tendency to induce us to neglect.' We have already stated, that if there be any risk of science diverting the minds of the people from religion, the safeguard is to be found in the redoubled exertions of its ministers, not in attacks upon knowledge, and opposition to its diffusion. But we cannot think that our author takes a sound view of the peculiar benefits of religion in the following passage, where he seems to value it chiefly for the assistance he deems it peculiarly, and indeed exclusively, calculated to render the law and the government of the state.

'It has been said, and often repeated, that he, who can cause two blades of corn to grow where only one existed formerly, may be considered as the greatest benefactor to his species. There is, undoubtedly, much truth, but there is also some degree of fallacy, conveyed in this assertion. Were the whole mass of human sustenance produced by the soil now under cultivation to be increased two-fold by the efforts of human ingenuity and industry, we may assert it, as an undoubted truth, that the only effect, after the lapse of a few years, would be found to have been the multiplication, in a like proportion, of the number of its occupants, with probably, at the same time, a far increased proportion of misery and crime, beyond that with which society is afflicted at the present moment. Whether the simple and contented habits, which in many parts of this coun-

try have not yet, we trust, given way to more artificial feelings, would be under such circumstances well exchanged for the feverish excitement, the ungratified wants, and the selfish passions fostered by an overcrowded population, may be matter of serious doubt. Even as a question of political strength, the danger resulting to a nation thus situated, from the prevalence of jealous and unsocial feelings, would probably far more than counterbalance any accession of physical power which might otherwise be calculated upon from the mere increase of the numbers of its citizens. The real fact is, that the true benefactor to his species, the true practical friend to the best interests of his countrymen, is he who, by making them more religious, makes them at the same time more contented, more social, and more obedient to the laws. Without that patience, that brotherly love, and that deference to those in authority for conscience sake, which a deep-rooted feeling of piety alone can systematically inculcate, and maintain unshaken through every species of trial, the bands of human society must ever be loosely knit together. We may, it is true, imagine an irreligious people elevating itself for a time into wealth and greatness: we may conceive it pre-eminent meanwhile in physical science, and making the mighty elements of nature the ministers to its conveniences and minutest luxuries: but selfishness, inveterate selfishness, the very source of all disunion, whether domestic or political, will be the moving principle of the whole. The coarse attractions of wealth, the vulgar impatience of worldly ambition, the jealousies of incompatible interests, and the irritation of hopeless poverty, will be turning each man's hand against his neighbour, and the whole mass of the community, however apparently strong, and wise, and prosperous, will be intrinsically weak, like a vast mountain of sand ready to be dispersed into its individual particles by the first tempest which passes over it.'

This passage opens with a mis-quotation of the saying to which it refers. Dean Swift never said, 'that the man who caused 'two blades of corn to grow where only one existed before,' was the greatest benefactor of his species; but only, that he 'deserved 'better of mankind, and did more essential service to his country than the whole race of politicians put together,' which he well might, and yet be very far from the greatest benefactor of his species.* But this is a trifling matter; what we are jealous of, is the holding of religion as of use, as 'alone systematically 'inculcating deference to those in authority, for conscience sake,' and as alone 'maintaining that deference unshaken through every

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* Dr Shuttleworth's '*blades of corn*,' &c. cannot be said to retain much more of the Dean's accuracy than of his point. The sentence is as follows: 'And he (King of Brobdingnag) gave it for his opinion, that whoever could make two ears of corn, or two blades of grass, to grow upon a spot of ground, where only one grew before, would deserve better of mankind, and do more essential service to his country than the whole race of politicians put together.'

'species of trial.' One who understood Christianity far better, as he practised its precepts more conscientiously, than Dean Swift, we mean Archdeacon Paley, has long ago shown, that it has given no directions whatever upon the extent to which obedience is required. The duty of obedience, where fit and lawful, it undoubtedly inculcates; but it leaves to considerations of a secular description the determination of the point to which '*the powers*' should be obeyed; and as to any alliance between church and state, (if that was in our author's contemplation, which we hardly think his words warrant us in supposing,) Dr Paley, it is well known, holds the sound doctrine, sound in a religious as well as a political view, that religion can only be debased, corrupted, and abused, (we cite his own language almost to the word,) by such an association.

Upon the whole, and with the few exceptions we have noted, we have derived great satisfaction from the perusal of this discourse, considering, that it is professedly intended as a correction to the supposed excesses of those who are bent on the better education of the community. For it shows no disposition to deny the value of merely human learning; and it, for the most part, seeks to apply the right remedy, if there should be found any mischief. Above all, it seeks not to counteract the efforts which the friends of knowledge are making in every quarter. Nothing is said which can tend to alienate a single religious person from his union with them, or to damp his zeal in the cause. The man who heard and profited by the sermon, and the reverend person who preached it, might, with perfect consistency, enroll themselves on the morrow among the benefactors to a mechanics' institution, as the late Bishop of Durham did; or join with other ornaments of the hierarchy in distributing cheap tracts, which bring the most important branches of human knowledge within the reach of the people. Of course, neither the distinguished prelate, nor his coadjutors, ever begrudged the objects of their bountiful and judicious care, the means of religious instruction through other channels, and at the fitting seasons.

LIST OF NEW PUBLICATICNS,

From April to November.

*** *It will be obliging in those, who wish the title of their Publications to be inserted in this List, to address their notice to the Publishers, and not to the Editor, in whose hands they are sometimes unavoidably mislaid.*

Architecture, Antiquities, and the Fine Arts.

Britton's Peterborough Cathedral. Medium 4to, 1*l*. 18s. Imperial 4to, 3*l*. 3s. bds.

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Arnot's Elements of Physics. Third Edition, 8vo, 1*l*. 10s. bds.

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First Steps to Astronomy. 12mo, 3s. bds.

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